

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

DIRECTV, LLC

Petitioner

v.

QURIO HOLDINGS, INC.

Patent Owner

CASE: To Be Assigned

Patent No. 7,787,904 B2

DECLARATION OF RON BESSEMS
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 7,787,904 B2

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I, Ron Bessems, declare:

1. I have been asked by Petitioner to provide this Declaration to be used in the Petition for *Inter Partes* Review of U.S. Patent No. 7,787,904 B2 (“the Patent”).

2. I am being compensated at the rate of \$250 per hour for my time to prepare, review, and sign this Declaration. My compensation is not contingent upon the outcome of any *inter partes* review, district court litigation, or any other proceeding related to the Patent.

I. BACKGROUND AND EXPERIENCE

3. I am the CEO and head developer at Promixis, an experienced provider of home, commercial, and industrial automation software, which has applications such as automated lighting systems, security systems, and home theater and consumer electronic controls. I am one of the founding partners of Promixis, LLC and have been the CEO since 2007.

4. In 1998, I started development of Girder, a program that would take any input (e.g., from a keyboard, remote control, or a command from the internet) and translate those commands into actions on a PC. For example, a user could control media software, a DVD player, or shut down the PC. Girder was flexible and user-customizable for various remote and automatic PC controls. Girder was

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free for personal use, but paid commercial licenses were available. I operated Girder on my own through 2003.

5. My public LinkedIn profile includes some of my other projects and is attached to this Declaration as Attachment A.

II. PROMIXIS

6. In 2004, along with some investors, I founded Promixis with the goal of creating a company to provide a suite of applications for consumers of digital media. For example, in 2004, Promixis partnered with SnapStream Media, who provided a PC remote to pair with the Girder software for enhanced control of PC applications and PC hardware, with a focus on entertainment and media.

7. Also in 2004, Promixis acquired Girder and NetRemote, which, at the time, was already a popular software system providing wireless remote control capabilities for PocketPC PDA devices and x86 Windows computers.

8. Before the acquisition, NetRemote was available for free and had an online following on internet discussion forums. The online following continued after the acquisition.

9. Promixis continued to market and develop NetRemote for several years. As partner at Promixis, I guided development of NetRemote. As of 2007 I

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am lead developer of NetRemote and continue to be lead developer for Girder amongst other technologies.

10. Promixis continues to sell, support, and develop Girder automation software. NetRemote is one of the front-end interfaces for Girder, providing remote control of television and audio equipment, for example.

III. NETREMOTE APPLICATION AND SUPPORTING DOCUMENTS

11. In 2004, NetRemote was a software application for PocketPC handheld devices (i.e., PDAs) and x86 Windows computers. NetRemote provided remote control of media center software on a PC from the handheld device. NetRemote software on the handheld device allowed users to browse their playlists, search songs and albums by album cover, and control play of their music and videos on the PC via a wireless network.

12. In 2004, NetRemote was available for purchase and download from the Promixis website.

13. Attachment B is a true and correct copy of the Promixis NetRemote Webpage (the "NetRemote Webpage"), cached by the Internet Archive Wayback Machine on October 13, 2004. It was originally available at <http://www.promixis.com/products.php?section=netremote> and is still available on the Internet at the following URL:

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<https://web.archive.org/web/20041013182548/http://www.promixis.com/products.php?section=netremote>.

14. I recognize and recall the format of Promixis' old website in Attachment B, and I recognize Attachment B as a true and correct copy of the NetRemote Webpage as it appeared in October 2004.

15. At least as early as October 2004, the NetRemote Webpage provided descriptions of the NetRemote package and offered visitors to the webpage the ability to purchase several versions of NetRemote. I am aware that at least some visitors accessed the NetRemote Webpage in October 2004 and purchased NetRemote software in 2004, because I reviewed my records and found that Promixis sold at least some copies of the software via the webpage in October 2004.

16. The NetRemote Webpage also allowed users to download supporting documents for installation, setup, and configuration of the NetRemote software.

17. As seen in Attachment B, users could download such supporting documents by clicking links on the NetRemote Webpage under the heading "Documentation & Support."

18. The links indicate which documents were available to someone who clicked the links. The links included "NetRemote LE Installation Guide,"

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