

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 LISA GADE

IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NO. 7,787,904 B2

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I, Lisa Gade, 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 \$60 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 Owner and Editor in Chief at MobileTechReview.com. I founded MobileTechReview.com in 1998 as pdabuyersguide.com . In January 2005, I changed the name of the website from pdabuyersguide.com to MobileTechReview.com to better reflect the broad range of mobile technology reviewed and covered by the web site.

4. In my job responsibilities at pdabuyersguide.com and MobileTechReview.com, I evaluate consumer electronics products such as portable digital assistants (“PDAs”), and write reviews which describe my evaluations.

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5. My public LinkedIn profile summarizing my education and experience is attached to this Declaration as Attachment A.

II. HP IPAQ RX3115 AND MANUAL

6. PDA manufacturers provide me with newly released PDAs and their accompanying manuals so that I can evaluate these products and write reviews of these products. The PDAs and manuals provided to me were the same as the ones commercially available to the public at the time. On occasion, some of my reviews are based on PDAs I purchased for the purposes for the review.

7. When I receive or obtain a PDA and accompanying manual, I review the manual to familiarize myself with the operation of the PDA. I also operate the PDA as part of my evaluation. The results of my evaluation are published in internet articles that I write.

8. One PDA I evaluated was the HP iPAQ RX3115. The HP iPAQ RX3115 was released in the United States for public purchase by September 2004. In September 2004, I reviewed a retail version of the HP iPAQ RX3115. The HP iPAQ RX3115 was in retail packaging, which included a manual with operating instructions.

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9. When I reviewed the HP iPAQ RX3115 PDA and manual, I was under no obligation to maintain them as confidential. The HP iPAQ RX3115 and manual were the same as those available for public purchase in 2004.

10. After I obtained the HP iPAQ RX3115 to write my review, I reviewed the manual to learn how to operate the camera and to learn about the technical features of the HP iPAQ RX3115.

11. I posted my HP iPAQ RX3115 review on pdabuyersguide.com on September 10, 2004 at http://www.pdabuyersguide.com/iPAQ_rx3115.htm.

12. My review of the HP iPAQ RX3115 was made available to the public by posting on the www.pdabuyersguide.com web site on September 10, 2004 and members of the public read my review of the product shortly thereafter.

13. When the domain was transitioned from pdabuyersguide.com to MobileTechReview.com in 2005, my review of the HP iPAQ RX3115 was transferred to the new web site. The review is still available on-line at http://www.mobiletechreview.com/iPAQ_rx3115.htm.

14. Attachment B is a true and correct copy of my review of the HP iPAQ RX3115 from http://www.mobiletechreview.com/iPAQ_rx3115.htm. This review was originally posted and made public on September 10, 2004 at http://www.pdabuyersguide.com/iPAQ_rx3115.htm.

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15. Petitioner's counsel provided me with a scanned copy of HP iPAQ RX3115 manual, attached to my Declaration as Attachment C.

16. I examined Attachment C attached to my Declaration. I recognize Attachment C as another copy of the HP iPAQ RX3115 manual I read in September 2004 in order to prepare my review of the HP iPAQ RX3115 PDA, which was posted on September 10, 2004 on the pdabuyersguide.com web site.

17. My review on pdabuyersguide.com described the same features as the manual in Attachment C. In my review, I wrote: "The manual says that streamed WMV files must be formatted specifically for the iPAQ in order to playback, but gives no information on what that means exactly." The manual in Attachment C states on page 6-74: "However, your HP iPAQ will only play .wmv files that were specifically created for handheld devices."

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

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