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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner

v.

QURIO HOLDINGS, INC.,
Patent Owner

IPR2016-00998
Patent 7,787,904

**Personal Area Network Having Media Player and
Mobile Device Controlling the Same**

DECLARATION OF DR. CHARLES ELDERING

I. INTRODUCTION

1. I have been retained by Unified Patents Inc. (“Unified” or “Patent Owner”) as an independent expert consultant in this proceeding before the United States Patent and Trademark Office. Although I am being compensated at my usual rate of \$425.00 per hour for the time I spend on this matter, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

2. Counsel for Petitioner Unified Patents Inc. (“Unified” or “Petitioner”) has asked me to investigate and opine on certain issues related to U.S. Patent No. 7,787,904 B2 entitled “PERSONAL AREA NETWORK HAVING MEDIA PLAYER AND MOBILE DEVICE CONTROLLING THE SAME” (the “’904 Patent”). Specifically, I understand that Unified is seeking to join IPR2015-02005, and Unified has requested that I adopt the expert declaration of Tal Lavian, Ph.D. to support Unified’s motion for joinder. See IPR2015-02005, Ex. 1013 (Decl. of T. Lavian).

3. I have reviewed Dr. Lavian’s declaration and the accompanying exhibits. I agree with Dr. Lavian’s analysis regarding the ‘904 patent and would, subject to changes in wording and any additional analysis I may need to perform, be able to adopt his position as my own.

II. QUALIFICATIONS AND EXPERIENCE

13. I possess the knowledge, skills, experience, training and the education to form an expert opinion and testimony in this case. A detailed record of my professional qualifications, including a list of patents and academic and professional publications, is set forth in my curriculum vitae attached to this declaration as Attachment A.

14. I received a B.S. from Carnegie Mellon University in Physics, a M.S. from Syracuse University in Solid State Science and Technology, and a Ph.D. in Electrical Engineering.

15. I have been involved in computer engineering, fiber-optic, cable based, and network telecommunications systems for over 20 years. My experience at Expanse Networks, Inc., a company I founded in 2000, was instructive.

16. At Expanse Networks, I worked extensively on developing system solutions and initial system prototypes and products for targeted television advertising, which included network architectures, software for head-end and set-top box systems, and related sub-systems for understanding consumers from their purchases and viewing habits, and subsequently delivering the right advertisement to them.

17. I am not an attorney and offer no legal opinions, but in my work, including my work as a patent agent, I have had experience studying and analyzing patents and patent claims from the perspective of a person skilled in the art, and have developed patent portfolios. I have been deposed and testified several times. I have previously served as a patent analyst and research consultant and I am a named inventor on at least 20 patents in the general area of areas of targeted advertising and presenting alternative advertisements upon fast forwarding, with others pending. I am an inventor or co-inventor on over 130 issued US patents.

III. CONCLUSIONS

18. The '904 Patent relates to a mobile device that wirelessly communicates with media devices to select content to be played by the media devices. The mobile device, such as a mobile phone, a PDA, or “a stand-alone device similar to a remote control,” communicates with the media device via a WPAN such as Bluetooth, Wi-Fi, Zigbee or other wireless technologies. The mobile device obtains information which describes content residing at a media device and purportedly allows the user to select content to play at the media device.

19. All of the '904 concepts, features, and technologies were mainstream technologies in this field, and widely adopted in the market, at

the time of the '904 Patent application. They were well-known, including in patents, publications and products sold in the market. The Declaration of Dr. Lavian identifies a number of key references, although I believe other references may exist. Consistent with Dr. Lavian, it is my opinion that the independent claims of '904 were actually anticipated by most of the references; each one alone.

20. In Ground 1, De Vet and Vidal make Claims 1-3, 10, 12 and 15-18 unpatentable as being obvious. Vidal discloses a touch-screen remote control that communicates wirelessly over Bluetooth, with a plurality of media devices. The remote control communicates with media devices within a short range wirelessly. De Vet discloses communication between the PDA and PC jukebox. Each one of De Vet and Vidal disclose features that allow play back of the content stored on a media device; allow the user to browse the content of the media device and store information about that content; and features that allow play back of the content stored on a media device. All the elements of Claim 1 are disclosed by each of De Vet and Vidal; Claim 1 is anticipated by each of them.

21. In Ground 2, Claims 1-3, 10, 12 and 15-18 are obvious over Morse and Holloway. Both Holloway and Morse disclose “a wireless communication interface with the plurality of media devices”, with

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