

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RUBICON COMMUNICATIONS, LP

Petitioner,

v.

LEGO A/S

Patent Owner.

Case IPR2016-01187

Patent 8,894,066

DECLARATION OF DR. JAY P. KESAN

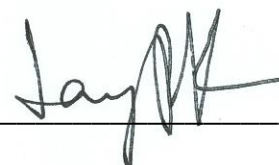
Rubicon Communications, LP
Ex. 1036
Rubicon Communications, LP v. LEGO A/S
IPR2016-01187

Petition for Inter Partes Review of U.S. Patent No. 8,894,066

Declaration of Dr. Jay P. Kesan

I, Jay Kesan, do hereby declare and state, 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 Section 1001 of Title 18 of the United States Code.

Executed August 30, 2017, in Champaign, IL.

A handwritten signature in black ink, appearing to read "Jay P. Kesan", is written over a horizontal line.

Dr. Jay P. Kesan

I. INTRODUCTION

1. The facts set forth below are known to me personally and I have firsthand knowledge of them. I am a U.S. citizen over eighteen years of age. I am fully competent to testify as to the matters addressed in this Declaration. I understand that this Declaration is being submitted along with Petitioner's Reply in the Inter Partes Review by the Patent Trial and Appeal Board ("PTAB") for US Patent No. 8,894,066 (hereinafter, "the '066 Patent") in IPR2016-01187.

A. Engagement

2. I have been retained as a technical expert by Petitioner to study and provide my opinions on the technology claimed in, and the patentability or nonpatentability of Claims 1-8 of the '066 Patent.

B. Background and Qualifications

3. I have summarized in this section my educational background, work experience, and other relevant qualifications. A true and accurate copy of my curriculum vitae is attached as Exhibit 1037.

4. I am a Professor and H. Ross & Helen Workman Research Scholar at the University of Illinois at Urbana-Champaign, where I am appointed in the College of Law, the Department of Electrical and Computer Engineering, the Coordinated Science Laboratory, and the Information Trust Institute. I have a Ph.D. in Electrical

and Computer Engineering from the University of Texas at Austin and a J.D., *summa cum laude* from Georgetown University. I have also worked as a research scientist at the IBM T.J. Watson Research Center, and I am a named inventor on several United States patents. I have also served as a technical expert and legal expert in patent infringement lawsuits. I have been appointed to serve as a Special Master in patent disputes. Additionally, I have been appointed and served as a Thomas Edison Distinguished Scholar at the United States Patent and Trademark Office (“USPTO”).

5. From 1984 to 1989, while working on my Master’s and Ph.D. degrees in electrical and computer engineering at the University of Texas at Austin, I was a graduate research assistant and I researched and developed RF (radio frequency) technologies, specifically microwave and millimeter wave devices and integrated circuits and published my research work extensively in these fields. From 1989 to 1993, I worked as a research scientist at the IBM T.J. Watson Research Center, and I researched various exploratory high-speed integrated circuit technologies for analog and wireless communication applications and published my research work extensively in these fields. From 2000 to the present, I have also been working on radio-frequency identification (RFID) technologies and systems, and I am an inventor on numerous U.S. patents directed at RFID and related technologies. In the past few years, I have also been working on security issues and risk assessment in network, cloud, and wired and wireless communication

technologies. From 1998 to the present, I have worked as a consulting expert in various electrical, communication and computer technologies and intellectual property protection for such technologies. From 1998 to the present, I have been involved as a technical expert with numerous patent lawsuits involving semiconductor and integrated circuits, set-top boxes processing multimedia content, wireless audio players including control of rendering audio in such equipment, and various wired, wireless and generations of cellular communication technologies and their applications.

C. Compensation and Prior Expert Witness Experience

6. I am being compensated for the time I spend on this case at my normal consulting rate of \$550 an hour. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this investigation. My compensation is not contingent upon the outcome of this matter or the substance of my testimony.

7. A complete list of cases in which I have testified at trial, hearing, or by deposition within the preceding four years is provided in my curriculum vitae, which is attached as Exhibit 1037.

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