

IPR 2016-01209
U.S. Patent No. 7,746,916

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC., HTC CORPORATION, HTC AMERICA, INC.,
MICROSOFT CORPORATION, MICROSOFT MOBILE OY, MICROSOFT
MOBILE, INC., SAMSUNG ELECTRONICS CO., LTD., SAMSUNG
ELECTRONICS AMERICA, INC., and ZTE (USA) INC.,

Petitioner,

v.

EVOLVED WIRELESS, LLC,
Patent Owner.

Case IPR2016-01209¹
Patent 7,746,916 B2

Before CHRISTOPHER L. CRUMBLEY, PATRICK M. BOUCHER, and
TERRENCE W. McMILLIN, *Administrative Patent Judges*.

DECLARATION OF RAJIN SINGH OLSON

¹ IPR2016-01280 has been consolidated with this proceeding.

DECLARATION OF RAJIN SINGH OLSON

1. My name is Rajin Singh Olson. I am over the age of 21, and I have personal knowledge of the facts contained herein unless otherwise indicated. I am an employee of Robins Kaplan, LLP.

2. I am an attorney licensed to practice in the state of Minnesota.

3. The 3GPP TS 23.002 reference was available on 3GPP's public website at least as of March 15, 2000.

4. In March 2017, I accessed files maintained on the 3GPP website. Specifically, on the 3GPP website, I selected the "About 3GPP" drop-down menu and selected the "3GPP FAQs" Link. This led me to a FAQ page. *See* Ex. 2009. On this page, I scrolled down to the question, "[i]s it possible to determine the date and time of publication of a particular version of a 3GPP Spec?" *Id.* at 9. In response, the corresponding FAQ states that a "precise indication of the date of availability can be obtained from the Spec's web page . . . where a precise date is shown in the 'available' column." *Id.*

5. In view of this information, I navigated to the "Specification" page on the 3GPP's website. On that page, I selected the "Numbering page" link, which took me to the Specification Numbering page. On that page, I selected the "23 series" link, taking me to the 3GPP Specification series page. On that page, I selected the "23.002" link, taking me to the 3GPP specification #: 23.002 page. A

true and correct printout of that page is identified as Exhibit 2010. This page lists an upload date of “2000-03-15” for version 3.3.0 of the 3GPP TS 23.002 standard.

6. Based on the information on the FAQ page, the upload date provides a “precise indication of the date of availability” of the 3GPP TS 23.002 specification. Ex. 2009, p. 9. Accordingly, the 3GPP TS 23.002 was publicly available via the 3GPP website as of March 15, 2000.

7. On the 3GPP specification page 23.002, I selected the “3.3.0” link, prompting a download of a ZIP file titled “23002-330.zip,” which contained a single Microsoft Word file titled “23002-330.doc.” A true and correct copy of this document is provided as Exhibit 2007.

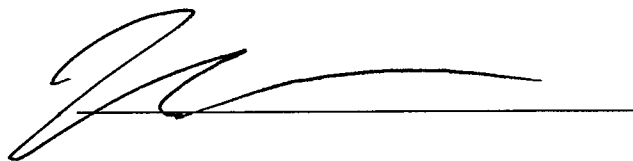
8. I further used the Internet Archive’s Wayback Machine service to confirm access to the 3GPP TS 23.002 reference before the ’916 patent’s claimed priority date. Starting on the Wayback Machine homepage, I entered <http://www.3gpp.org> into the search field, taking me to a calendar page. In the calendar page, I selected May 10, 2010, because this is the first available archive after the March 15, 2000 date on which the 3GPP TS 23.002 reference was made available. This took me to an archived version of 3GPP’s homepage, which included a “3G Specifications” link that led to an archived version of the 3GPP Specifications Home Page. On this page, I selected the “<http://www.3gpp.org/ftp/Specs/>” link, which took me to an archived version of

the 3GPP Specifications – Numbering Scheme page. On this page, I selected the “March_00” link, which took me to an archived version of the 3GPP Specifications. On this page, I selected the “23_series” link, which led me to a page archived on October 7, 2000 – the closest date to March 15, 2000, for which that page had been archived. There, I found a link titled “23002-330.zip,” with a date of “04/05/00” listed next to it. A true and correct copy of that page is attached as Exhibit 2011. Although the zip file itself was unavailable because that specific link had not been archived, the April 5, 2000 date listed and the identical file name listed are consistent with the 23.002 reference being available prior to the ’916 patent’s claimed priority date.

I 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, and that such willful false statements may jeopardize the results of these proceedings.

Executed this 29th day of March, 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rajin Singh Olson', is written over a solid horizontal line.

Rajin Singh Olson