

DECLARATION OF ZUO ZHISONG

I, Zuo Zhisong, declare as follows:

1. My name is Zuo Zhisong. I am a Standard Engineer at ZTE Corporation. I have been employed by ZTE Corporation since 2005.
2. For more than 10 years, since February 2005, I have served as one of ZTE's delegates to the Third Generation Partnership Project ("3GPP") in a subgroup of 3GPP's Technical Specification Group - Radio Access Network ("TSG-RAN") known as Working Group 1 ("WG1").
3. During this period, I have attended dozens of WG1's meetings and subscribed to WG1's reflector list (3GPP_TSG_RAN_WG1@list.etsi.org), to which I have sent hundreds of e-mail messages and through which I have received thousands of e-mail messages. In general, before each WG1 meeting that I attended, I received e-mail messages from delegates of other companies through WG1's reflector list, providing technical documents, called contributions, for discussion at the meeting. Some of those e-mail messages provided the technical documents as e-mail attachments, while other e-mail messages provided links to the locations where the technical documents were stored on 3GPP's publicly available website <<http://www.3gpp.org>>. Regardless of how the e-mail messages provided access to the technical documents, those documents were also uploaded to and available for download at 3GPP's publicly available website.

4. As a delegate for WG1, I sent e-mail messages submitting technical documents on ZTE's behalf to WG1's reflector list hundreds of times before meetings for which the documents were submitted for discussion. I also uploaded technical documents to 3GPP's publicly available website more than 200 times before meetings for which the technical documents were submitted for discussion.

5. In my 10 years as a delegate for WG1, I have also regularly accessed the location on 3GPP's website storing technical documents submitted to WG1. That location is available at the uniform resource identifier <http://www.3gpp.org/ftp/tsg_ran/WG1_RL1/>, which I refer to in this declaration as "WG1's public directory." Since 2005, I have accessed WG1's public directory in several ways, such as, for example, by entering the uniform resource identifier of WG1's public directory into an Internet browser and by accessing 3GPP's homepage <<http://www.3gpp.org>> and then navigating to the uniform resource identifier of WG1's public directory. Regardless of which method I used to access WG1's public directory, I have never encountered a password requirement or any other restriction that would prevent me or a member of the general public from accessing WG1's public directory or any intermediate location. Based on my 10 years of experience as a WG1 delegate, since 2005 to the present, any member of the public could freely access WG1's public directory, browse it, and download technical documents stored to it without restriction.

6. I attended WG1 Meeting #44, which was held on February 13-17, 2006, in Denver, USA. In preparing this declaration, I accessed <www.3gpp.org/ftp/tsg_ran/WG1_RL1/TSGR1_44/Docs/>, the location on 3GPP's web site at which R1-060700.zip is accessible to any member of the public without restriction. Attached as Exhibit 1 is a true and correct copy of a printout from that website. Exhibit 1 lists several ZIP files, including R1-060700.zip, as shown in the following excerpt.

2/20/2006	9:05 AM	62317	R1-060698.zip
2/20/2006	9:05 AM	51672	R1-060699.zip
2/20/2006	9:05 AM	98336	R1-060700.zip
2/20/2006	9:05 AM	289761	R1-060701.zip
2/20/2006	9:05 AM	11529	R1-060702.zip

(Ex. 1 at 7.) The text "R1-060700.zip" provides a link to a ZIP file titled R1-060700.zip. I downloaded and opened this ZIP file and found that it contains a single Microsoft Word file, a true and correct copy of which is attached as Exhibit 2.

7. In the excerpt from the 3GPP website printout shown above, there is also a date stamp (2/20/2006) to the left of the link to R1-060700.zip. Based on my 10 years of experience as a delegate for WG1, having uploaded more than 200 ZIP files to 3GPP's publicly available server, I understand this date stamp to mean that R1-060700.zip was uploaded to 3GPP's publicly available website on February 20, 2006, and that any member of the public could have downloaded the ZIP file,

extracted the Word document it enclosed, and viewed the contents of that Word document without restriction on February 20, 2006 and thereafter. I have no reason to believe this date stamp is inaccurate.

8. I also attended WG1 Meeting #45, which was held on May 8-12, 2006 in Shanghai, China. Attached as Exhibit 3 is a true and correct copy of an e-mail message dated May 2, 2006, shortly before Meeting #45. I obtained this e-mail message from 3GPP's public e-mail website, which is available at <https://list.etsi.org/>, and with which I have become familiar as a WG1 delegate. Like all other members of WG1, I received this e-mail message from Mr. Hiramatsu through WG1's reflector list along with two ZIP file attachments, including a ZIP file titled "R1-061114.zip." That ZIP file contained a single Microsoft Word document, a true and correct copy of which is attached as Exhibit 4. Neither the ZIP file nor the Word document enclosed in the ZIP file had a password or anything else that would have restricted my ability to access its contents.

9. In preparing this declaration, I accessed http://www.3gpp.org/ftp/tsg_ran/WG1_RL1/TSGR1_45/Docs/, the location on 3GPP's website in which R1-061114.zip is accessible to any member of the public without restriction. Attached as Exhibit 5 is a true and correct copy of a printout

from that website. Exhibit 5 lists several ZIP files, including R1-061114.zip, as shown in the following excerpt.

5/12/2006	3:14 PM	431339	R1-061111.zip
5/2/2006	8:31 AM	174601	R1-061112.zip
5/2/2006	7:20 AM	71687	R1-061114.zip
5/2/2006	7:20 AM	93032	R1-061115.zip
5/3/2006	4:13 PM	231279	R1-061116.zip

(Ex. 5 at 1.) The text “R1-061114.zip” is a link that, when selected, initiates a download of a ZIP file titled R1-061114.zip. I downloaded and opened this ZIP file and found that it contains a single Microsoft Word file, a true and correct copy of which is attached as Exhibit 6. I compared Exhibit 6 to Exhibit 4, the Word file in the attachment that I received from Mr. Hiramatsu on May 2, 2006, and found that those two exhibits are identical.

10. In the excerpt above, there is also a date stamp (5/2/2006) to the left of the link to R1-061114.zip. Based on my 10 years of experience as a delegate for WG1, having uploaded more than 200 ZIP files to 3GPP’s publicly available server, I understand this date stamp to mean that R1-061114.zip was uploaded to 3GPP’s publicly available website on May 2, 2006, and that any member of the public could have downloaded the ZIP file, extracted the Word document it enclosed, and viewed the contents of that Word document without restriction on May 2, 2006 and thereafter. I have no reason to believe this date stamp is inaccurate.

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