

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS LLC

Patent Owner

Case: IPR2016-00754

Patent No. 8,559,635

**DECLARATION OF TIMOTHY D. DORNEY, PH.D., IN SUPPORT OF
PATENT OWNER'S CONTINGENT MOTION TO AMEND THE CLAIMS**

Introduction and Qualifications

1. I, Timothy D. Dorney, submit the following sworn declaration in IPR2016-00754 in support of the validity of U.S. Patent No. 8,559,635 (“ ’635 patent”). I am an employee of Patent Owner, Personalized Media Communications, L.L.C. (“PMC”).

2. I am currently the Vice President - Intellectual Property of PMC. where I am responsible for both licensing and litigation support.

3. I hold a Bachelor of Science degree in Electrical Engineering from Texas A&M University, a Master of Science in Electrical Engineering and Applied Physics from Case Western Reserve University, and Ph.D. in Electrical and Computer Engineering from Rice University. My doctoral thesis was focused on a signal processing and imaging techniques in the THz spectrum.

4. I have nearly 10 years of experience working in product development, design, and advanced architecture of semiconductor memories. I’ve worked as both a product development engineer and design engineer in video RAM development, an IC design engineer in application specific DRAM design, and as a circuits center of expertise engineer in memory products design at Texas Instruments Incorporated.

5. I have over seven years of experience in circuit and product design of small wattage AC/DC converters and LED lighting systems as President of my own company.

6. I am licensed to practice before the United States Patent & Trademark Office as a patent agent and I have ample experience drafting and prosecuting patent applications in various technologies, with an emphasis in technical fields including memory, analog circuits, processors, and digital systems. I am a named inventor on at least seven U.S. patents and have authored numerous journal and conference papers.

7. A copy of my *curriculum vitae* is attached as Exhibit 2129.

Motion to Amend

8. I have been informed and understand that if the Patent Trial and Appeal Board (“Board”) should accept the Petitioner’s arguments and cancel any of the issued ’635 patent claims as unpatentable, PMC has made a contingent motion to amend to substitute the canceled claim(s) with corresponding proposed substitute claims 34-40.

9. I have reviewed all relevant papers and exhibits in connection with IPR2016-00754, including PMC’s Contingent Motion to Amend filed concurrently herewith.

a. The Proposed Substitute Claims are Supported by the Written Description of the Parent Application

10. I have been informed and understand that to amend the claims, the Patent Owner must show, among other things, that the substitute claims are supported by the written description of the original disclosure of the patent, as well as any patent application to which the claim seeks the benefit of priority.

11. To satisfy the written description requirement, I have been informed and understand that the substitute claims must be disclosed in sufficient detail such that a POSA can clearly conclude that the inventor invented the claimed invention as of the filing date sought.

12. The proposed substitute claims of the '635 patent are included below:

34. (Substitute for claim 4, if found unpatentable) The method of claim 2, wherein said programming further includes encrypted video and encrypted audio, wherein said subscriber station comprises memory in which a first unique digital code capable of identifying a signal processing apparatus is stored, said signal processing apparatus at least in part controlled by operating instructions that are capable of being revised, wherein said programming further comprises a second unique digital code identifying a source of said programming, said second unique digital code is stored at said subscriber station, and wherein said subscriber station is capable of communicating said

second unique digital code to a remote site through a digital information transmission unaccompanied by any non-digital information transmission.

35. (Substitute for claim 7, if found unpatentable) The method of claim 2, wherein said subscriber station detects, in a transmission channel including said programming, a second control signal portion used to decrypt the first control signal portion, wherein said subscriber station stores data including information particular to a customer and stores data identifying a source of said programming.

36. (Substitute for claim 13, if found unpatentable) A method of processing signals at a receiver station comprising the steps of:

receiving at least one information transmission;

detecting a plurality of signals in said at least one information transmission;

changing a decryption technique in response to at least a first of said plurality of signals;

decrypting a second of said plurality of signals on the basis of said changed decryption technique, wherein said decrypted second of said plurality of signals is embedded with executable instructions;

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