UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS LLC
Patent Owner

Case: IPR2016-00755
Patent No. 8,191,091

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 IPR2016-00755 in support of the validity of U.S. Patent No. 8,191,091 (" '091 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 '091 patent claims as unpatentable, PMC has made a contingent motion to amend to substitute the canceled claim(s) with corresponding proposed substitute claims 32-43.

9. I have reviewed all relevant papers and exhibits in connection with IPR2016-00755, including PMC's Contingent Motion to Amend filed concurrently herewith.

a. The Proposed Substitute Claims are Supported by the Written Description of the Provisional 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 ’091 patent are included below:

32. (Substitute for original claim 13, if found unpatentable) A method of decrypting digital programming at a receiver station, said method comprising the steps of:

receiving an encrypted digital information transmission including encrypted digital information and unencrypted digital information, wherein said encrypted digital information transmission is unaccompanied by any scrambled analog encoded information;

detecting in said encrypted digital information transmission the presence of an instruct-to-enable signal;

passing said instruct-to-enable signal to a processor;

determining a fashion in which said receiver station locates a first decryption key by processing said instruct-to-enable signal;

locating said first decryption key based on said step of determining;

decrypting said encrypted digital information using said first decryption key;

creating, based on at least a portion of said encrypted digital information transmission, a digital record including a unique digital code identifying said receiver station;

automatically transmitting said digital record to a remote station, wherein said transmitting transmits digital information unaccompanied by any non-digital information transmission; and

outputting said digital programming based on said step of decrypting.

33. (Substitute for original claim 14, if found unpatentable). The method of claim 32, further comprising the step of computing a second decryption key, and wherein said step of decrypting comprises decrypting said encrypted digital information using said first and second decryption keys.

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