

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS LLC

Patent Owner

Case: IPR2016-01520

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 IPR2016-01520 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 signal processing and imaging techniques for waveforms captured 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 2206.

8. I am informed and understand that the claims of the patent are judged from the perspective of a hypothetical construct involving a “person of ordinary skill in the art.” The “art” is the field of technology to which the patent is related. I understand that the purpose of using the viewpoint of a Person of Ordinary Skill in the Art (“POSA”) is for objectivity and to avoid hindsight bias.

9. Based on the Institution Decision (Paper #7 at 24), a person of ordinary skill in the art of the claimed invention would have a “bachelor’s degree or equivalent in digital electronics, electrical engineering, computer engineering, computer science, or a related technical degree, with 2-5 years of post-degree work experience in system engineering (or equivalent).”

10. I am qualified as a person of at least ordinary skill in the art and my qualifications enable me to provide opinions regarding the claims of the Patents-In-Suit from the perspective of a POSA.

Motion to Amend

11. I have been informed and understand that if the Patent Trial and Appeal 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 amended claims 41-48 ("Substitute Claims").

12. I have reviewed all relevant papers and exhibits in connection with IPR2016-01520, including PMC's Contingent Motion to Amend filed concurrently herewith.

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

13. 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.

14. 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.

15. The proposed Substitute Claims of the '635 patent are included below:

2. (Parent of substitute claims 42 and 43) A method for controlling the decryption of programming at a subscriber station, said method comprising the steps of:

receiving programming, said programming having a first encrypted digital control signal portion and an encrypted digital information portion;

detecting said first encrypted digital control signal portion of said programming;

passing said first encrypted digital control signal portion of said programming to a first decryptor at said subscriber station;

decrypting said first encrypted digital control signal portion of said programming using said first decryptor at said subscriber station;

passing said encrypted digital information portion of said

programming and the decrypted control signal portion to a second decryptor at said subscriber station;

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