

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE, INC.,  
Petitioner,

v.

LIMESTONE MEMORY SYSTEMS, LLC,  
Patent Owner.

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Case IPR2016-01561  
Patent 6,233,181

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**DECLARATION OF SUNIL P. KHATRI, Ph.D.**

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Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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## **I. Introduction**

I, Sunil P. Khatri, declare as follows:

1. I have been retained on behalf of Limestone Memory Systems, LLC (“LMS”), and its counsel, Fitch Even Tabin & Flannery LLP, as an expert in this proceeding. I am personally knowledgeable about the matters stated herein and am competent to make this declaration.

2. I understand that Petitioners filed a Petition for *inter partes* review regarding certain claims of United States Patent No. 6,233,181 (“the ’181 patent”), which was accompanied by the Declaration of Pinaki Mazumder In Support Of Petition For *inter partes* review. I am aware that, after LMS submitted its Preliminary Response, the Patent Trial & Appeal Board (“Board”) issued a Decision on February 17, 2017 instituting trial as to claims 3 and 5. I understand that the trial will address issues of alleged unpatentability under 35 U.S.C. § 103(a), including the alleged unpatentability of claim 3 over U.S. Patent No. 5,487,040 to Sukegawa et al. (Ex. 1005) (“Sukegawa”) in view of U.S. Patent No. 5,267,214 to Fujishima et al. (Ex. 1006) (“Fujishima”), and the alleged unpatentability of claim 5 over Sukegawa in view of Fujishima and U.S. Patent No. 4,967,397 to Walck (Ex. 1007) (“Walck”).

3. I have been asked to analyze the patentability of claims 3 and 5 in view of the art cited in the Petition, and to provide my conclusions and bases thereof

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