UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner

v.

REALTIME DATA LLC,
Patent Owner

Case IPR2016-01738
Patent 8,880,862

EXPERT DECLARATION OF DR. GODMAR BACK IN SUPPORT OF THE PATENT OWNER'S RESPONSE

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I, Godmar Back, declare as follows:

I. INTRODUCTION

1. My name is Dr. Godmar Back. I have been retained by Realtime Data LLC to offer my opinions concerning the validity of U.S Patent No. 8,880,862 ("the '862 Patent").

2. Specifically, I have been asked to analyze arguments made by Apple, Inc. and its expert, Dr. Charles J. Neuhauser, in the petition for *inter partes* review ("IPR") proceeding of the '862 Patent, Case No. IPR2016-01738. I understand that on March 20, 2017, the Patent Trial and Appeal Board ("the Board") entered a decision instituting ("the Institution Decision") this IPR proceeding.

A. Summary of Issues

3. I understand that Apple's Petition (and Dr. Neuhauser's Declaration) allege the following five grounds of unpatentability:

a. Ground 1: claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the '862 Patent are obvious over the combination of U.S. Patent No. 5,860,083 ("Sukegawa") in view of U.S. Patent No. 6,145,069 ("Dye");

b. Ground 2: claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the '862 Patent are obvious over the combination of Sukegawa in view of Dye and U.S. Patent No. 6,374,353 ("Settsu");

c. Ground 3: claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the '862 Patent are obvious over the combination of Sukegawa

in view of Dye and Burrows et al., "On-line Data Compression in a Log-structured File System" ("Burrows");

d. Ground 4: claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the '862 Patent are obvious over the combination of Sukegawa in view of Dye, Settsu, and Burrows; and

e. Ground 5: claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the '862 Patent are obvious over the combination of Sukegawa in view of Dye and U.S. Patent No. 6,317,818 ("Zwiegincew").

4. I understand that in its Institution Decision, the Board instituted IPR on Ground 1 (Sukegawa in view of Dye) for claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 (the "Challenged Claims"). I also understand that the Board instituted IPR on Ground 2 (Sukegawa in view of Dye and Settsu) for the Challenged Claims. Further, I understand that the Board instituted IPR on Ground 3 (Sukegawa in view of Dye and Burrows) for the Challenged Claims. Also, I understand that the Board instituted IPR on Ground 4 (Sukegawa in view of Dye, Settsu, and Burrows) for the Challenged Claims. Lastly, I understand that the Board instituted IPR on Ground 5 (Sukegawa in view of Dye and Zwiegincew) for the Challenged Claims.

5. In forming my opinions, I have reviewed the '862 Patent, its file history, priority application 60/180,114 listed on the cover of the '862 Patent, Dr. Neuhauser's declaration ("the Neuhauser Declaration"), Apple's Petition for *Inter Partes* Review, the references upon which Apple's Petition and Dr. Neuhauser

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