

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner

v.

REALTIME DATA LLC,
Patent Owner

Case IPR2016-01739
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. IPR2016-01739. 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) alleges the following five grounds of unpatentability:

- a. Ground 1: claims 5, 35-46, and 97 of the ‘862 Patent are obvious over U.S. Patent No. 6,374,353 (“Settsu”);
- b. Ground 2: claims 5, 35-46, 97, 98 and 112 of the ‘862 Patent are obvious over the combination of Settsu in view of U.S. Patent No. 6,317,818 (“Zwiegincew”);
- c. Ground 3: claims 5, 35-46, 97 of the ‘862 Patent are obvious over the combination of Settsu in view of U.S. Patent No. 6,145,069 (“Dye”); and

d. Ground 4: claims 5, 35-46, 97, 98 and 112 of the ‘862 Patent are obvious over the combination of Settsu in view of Zwiegincew and Dye.

4. I understand that in its Institution Decision, the Board instituted IPR on Ground 1 (Settsu) for claims 5, 35-46, and 97. I also understand that the Board instituted IPR on Ground 2 (Settsu in view of Zwiegincew) for claims 5, 35-46, 97, 98 and 112. Further, I understand that the Board instituted IPR on Ground 3 (Settsu in view of Dye) for claims 5, 35-46, and 97. Lastly, I understand that the Board instituted IPR on Ground 4 (Settsu in view of Zwiegincew and Dye) for claims 5, 35-46, 97, 98 and 112.

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 on which Apple’s Petition and Dr. Neuhauser rely, Realtime’s Preliminary Response, the Institution Decision, and materials referenced herein.

6. My opinions are based on my experience and knowledge of the relevant art, as well as the documents discussed in this declaration.

B. Summary of Opinions

7. As explained in detail below, it is my opinion that each of claims 5, 35-46, 97, 98, and 112 of the ‘862 Patent are not obvious over:

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