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.

PAPST LICENSING GMBH & CO. KG
Patent Owner

_____

Case IPR2016-01863
Patent 8,504,746

_____

**DECLARATION OF EREZ ZADOK, PH.D.
IN SUPPORT OF THE REPLY TO THE PATENT OWNER RESPONSE**

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I.   Background

I, Dr. Erez Zadok, declare as follows:

1.   I submit this declaration in support of Apple Inc.'s Reply to the Patent Owner Response in the *Inter Partes* Review of U.S. Patent No. 8,504,746 ("the '746 patent"). I understand that the '746 patent is currently assigned to Papst Licensing GmbH & Co. KG.

2.   This declaration supplements my October 11, 2016 declaration submitted as Exhibit 1003 in the above-referenced proceeding.

3.   I understand that my curriculum vitae has been submitted into the record of this proceeding as Exhibit 1004.

4.   In preparing this declaration, in addition to my knowledge and experience, I have reviewed and am familiar with the following references:

> **Configurable Data Manipulation in an Attached Multiprocessor** by Marc F. Pucci ("Pucci") (Ex. 1041);
>
> **The SCSI Bus and IDE Interface—Protocols, Applications and Programming** by Friedhelm Schmidt ("Schmidt") (Ex. 1007);
>
> **U.S. Pat. No. 4,790,003** to Kepley et al., titled "Message Service System Network" ("Kepley") (Ex. 1042);
>
> **Declaration of Thomas A. Gafford** ("Gafford Decl.") (Exhibit 2006);

> **Transcripts of the 1ˢᵗ and 2ⁿᵈ depositions of Mr. Gafford** ("Gafford Depn. I" and "Gafford Depn. II") (Exhibits 1055 and 1056);
>
> **The Institution Decision** ("Inst. Dec."); and
>
> **Patent Owner's Response to the Petition for** *Inter Partes* **Review** ("POR").

5.   I have also considered all other materials cited herein and cited in my declaration in support of the Petition.

II.   The disputed features of independent claims 1 and 34.

6.   I understand the Board instituted the following grounds.

Ground	Claims	Basis	References
1	1, 4, 6-8, 10, 11, 20, 21, 30, 34, 35	§ 103	Pucci, Kepley, Schmidt
2	14	§ 103	Pucci, Shinosky, Kepley, Schmidt
3	23	§ 103	Pucci, Kepley, Schmidt, Wilson

7.   I understand that the Patent Owner ("Papst"), in its Patent Owner Response, provided arguments specific to only the independent claims. In this declaration, I reiterate why a person having ordinary skill in the art ("POSITA") would have combined the references in a manner that teaches the disputed features.

A. Ground 1: "*the processed and digitized analog data is stored in a file system of the data storage memory as at least one file of digitized analog data.*"

8. I understand that Papst argues that a POSITA would not have combined Pucci, Kepley, and Schmidt such that "*the processed and digitized analog data is stored in a file system of the data storage memory as at least one file of digitized analog data*," as recited in independent claim 1. Specifically, I understand that Papst argues that incorporating Kepley's "file storage system" into Pucci would "significantly impact Pucci's principle of operation and prevent Pucci from achieving its purpose of permitting data flow into the host as it is acquired." (POR, pp. 16-17.) In support of this position, Mr. Gafford testified that using files in Pucci's ION system would run counter to Pucci's "requirement for moving analog data" based on "memory buffered data transfer." (Ex. 2006, Gafford Decl., ¶ 52.) I disagree.

9. Pucci does not criticize, discredit, or otherwise discourage the use of a file-storage system. Pucci instead encourages the use of a traditional file-storage system. As Mr. Gafford acknowledged during his deposition, data in the buffer can be stored as part of the ION's local storage. (Ex. 1056, Gafford Depn. II, 62:23-63:9 ("A. Well, files are for storing data. There's nothing special about the data in the large buffer memory. Data can be stored in a file . . . . Q. Okay. So the data from the large buffer memory could be stored in a file on ION's *local* storage,

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