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

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Case IPR2016-01864
Patent 6,470,399

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

**Table of Contents**

## I.    Introduction

I, Dr. Erez Zadok, declare as follows:

1.    I submit this declaration in support of Apple Inc.'s ("Petitioner") Reply to the Patent Owner Response to the Petition for *Inter Partes* Review of U.S. Patent No. 6,470,399 ("the '399 patent") titled "Flexible Interface for Communication Between a Host and an Analog I/O Device Connected to the Interface Regardless the Type of the I/O Device" by Michael Tasler, and that the '399 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 and is in response to Patent Owner's Response to Petition for *Inter Partes* Review ("Response") dated June 26, 2017, and the Declaration of Thomas A. Gafford, submitted as Exhibit 2002 and dated June 26, 2017. I understand that my curriculum vitae has been submitted into the record of this proceeding as Exhibit 1004.

3.    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. Patent No. 4,790,003,** to Kepley et al., titled "Message Service System Network." (Ex. 1042.)

**Board's Decision to Institute Trial** (Paper 10);

**Patent Owner's Response to Petition for** *Inter Partes* **Review** (Paper 16);

**Declaration of Thomas A. Gafford** (Exhibit 2002); and

**1st and 2nd Deposition Transcripts of Mr. Gafford** ("1st Gafford Depo." and "2nd Gafford Depo.") (Exhibits 1055 and 1056).

4. I have also considered all other materials cited herein.

## II. The combination of Pucci, Schmidt, and Kepley discloses the disputed features of claims 1, 11, and 14.

### A. The combination discloses the inquiry response recited in claims 1, 11, and 14.

5. I understand that Patent Owner argues that: (1) Pucci alone does not explicitly disclose how it responds to a SCSI INQUIRY (POR, p. 16); (2) Schmidt does not disclose identifying a device "as something other than what is actually is" (POR, p. 17); and (3) it would have been "illogical" for Pucci's ION Node to identify itself as a disk drive (POR, pp. 17–18). I disagree with all three of these arguments.

6. With regard to (1) and (2), these positions are without merit because they ignore the disclosures in Pucci that would have informed a POSITA exactly

how Pucci utilizes the SCSI standard protocol, ignore that Pucci specifically cites to the ANSI 3.131 SCSI standard document, and ignore a POSITA's understanding of the standard SCSI protocol including its mandatory commands such as INQUIRY as it is described in Schmidt.

7. Specifically, Pucci explains that "[s]oftware running within the ION system *mimics* the behavior of a conventional device," (Ex. 1041, Pucci, p. 220, (emphasis added)). This concept of mimicry, or emulation, was well known to a POSITA at the time of the '399 patent. As I explained in my original declaration, emulation allowed a host computer to interact with peripheral devices using existing drivers, (Ex. 1003, Zadok Decl., ¶ 36), which is consistent with Pucci's goal of "providing the workstation with a peripheral that it knows how to deal with" (Pucci, p. 220).

8. A POSITA would understand that this mimicry of a "conventional device" could be accomplished by "exactly *simulat[ing] the characteristics and responses* of the normal computer hardware which it replaces." (Zadok Decl., ¶ 36, *citing* Maclean (Ex. 1010), 4:49–53 (emphasis added).) Accordingly, a POSITA would reasonably understand that the ION system "mimics the behavior of a conventional device" by providing the characteristics and responses of the conventional device to the host workstation.

3

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