
**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

In Re: U.S. Patent 6,888,919 : Attorney Docket No. 076695.0106

Inventor: Ulrich Martin Graf:

Filed: November 2, 2001 :

Issued: May 3, 2005 : IPR No. 2016-01902

Assignee: Varian Medical Systems, Inc.

Title: Radiotherapy Apparatus Equipped with an Articulable Gantry for
Positioning an Imaging Unit

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Submitted Electronically via the Patent Review Processing System

DECLARATION OF KENNETH GALL

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I, Kenneth P. Gall, declare as follows:

1. My name is Kenneth P. Gall, Ph.D. I am currently an independent technical consultant. I have prepared this report as an expert witness retained by Varian Medical Systems, Inc. (“Varian”). In this report I give my opinions as to whether certain claims of U.S. Patent No. 6,888,919 (“the ’919 Patent”) are invalid. I provide technical bases for these opinions as appropriate.

2. This report contains statements of my opinions formed to date and the bases and reasons for those opinions. I may offer additional opinions based on further review of materials in this case, including opinions and/or testimony of other expert witnesses. I make this declaration based upon my own personal knowledge and, if called upon to testify, would testify competently to the matters contained herein. For my efforts in connection with the preparation of this declaration I have been compensated at my customary consulting rate. My compensation is in no way contingent on the results of these or any other proceedings relating to the above-captioned patent.

I. BACKGROUND AND QUALIFICATIONS

3. I have summarized in this section my educational background, career history, publications, and other relevant qualifications. My full

curriculum vitae is attached as Appendix A to this report.

A. Educational Background

4. I received a Bachelor of Arts degree in 1981 from Colby College in Waterville, ME. I received a Master of Arts in Physics in 1985 and a Doctor of Philosophy in Nuclear/Particle Physics in 1989 from Boston University in Boston, MA.

B. Career History

5. I have approximately 28 years of experience working in radiation therapy treatment system development, radiation dosimetry, and automation of image-guided patient positioning for radiation therapy. I have gained this experience working in research institutions, universities, hospitals, and corporations. I have been certified in Therapeutic Radiological Physics by the American Board of Radiology since 1994. I have worked on many projects and technologies highly relevant to the subject matter of the '919 Patent.

6. I have held the following academic appointments: (1) Instructor in Radiation Therapy, Harvard Medical School, Massachusetts General Hospital, from 1988-1996; (2) Associate Professor, with Tenure, University of Texas Southwestern Medical School, from 1996-2003; and (3) Visiting Scientist, Plasma Science and Fusion Center, Massachusetts Institute of

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