UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ROCKWELL AUTOMATION, INC.
ROCKWELL AUTOMATION TECHNOLOGIES, INC.
Petitioner
v.

AUTOMATION MIDDLEWARE SOLUTIONS, INC.
Patent Owner

Patent No. 6,516,236
Issue Date: February 4, 2003
Title: MOTION CONTROL SYSTEMS

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Inter Partes Review No. 2017-00048

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DECLARATION OF JEFFREY N. COSTAKOS

1. I, Jeffrey N. Costakos, resident of River Hills, WI, hereby declare as follows:

2. I am a partner at Foley & Lardner LLP and one of the attorneys for the petitioner in this *inter partes* review.

3. On information and belief, the Exhibits submitted with the petition for the above-referenced *inter partes* review as Exhibits 1001 to 1030 are true and correct copies of the original documents as shown in the Table below, with the exception that Exhibits 1007, 1009, 1010, 1011, 1020, and 1030 are, on information and belief, true and correct copies of excerpts of the originals.
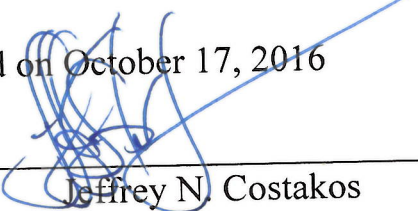
Ex #	Exhibit
1001	U.S. Patent No. 6,516,236 B1 ("'236 Patent")
1002	Expert Declaration of William Rizzi
1003	AMS Motion to Dismiss Presentation, 2:15-cv-898-RWS (E.D. Tex.), Dkt. No. 159-1, dated August 3, 2016
1004	Patent Rule 4-3 Joint Claim Construction and Prehearing Statement (with exhibits), 2:15-cv-898-RWS (E.D. Tex.), Dkt. Nos. 176, 176-1, 176-2, 176-3, dated September 13, 2016
1005	Defendants' Patent Rule 4-2 Disclosures, dated September 2, 2016
1006	Plaintiff's Patent Rule 4-2 Disclosures, dated September 2, 2016
1007	Microsoft Windows 3.1 Device Driver Adaptation Guide ("DDAG") (selected excerpts)
1008	Jerry Cashin, WOSA – Windows Open Services Architecture ("Cashin")
1009	National Electrical Manufacturers Association, Programmable Motion Control Handbook ("NEMA Handbook") (selected excerpts)
1010	David Gibbs and Thomas M. Crandell, An Introduction to CNC

Ex #	Exhibit
	Machining and Programming ("Gibbs") (selected excerpts)
1011	S.C. Jonathan Lin, Computer Numerical Control ("Lin") (selected excerpts)
1012	SERCOS Interface – Digital Interface for Communication Between Controls and Drives in Numerically Controlled Machines ("SERCOS Digital Interface")
1013	David Halpert, Object Oriented Programming for Motion Control ("Halpert")
1014	U.S. Patent No. 5,453,933 to Wright et al. ("Wright")
1015	Roy-G-Biv Preliminary Infringement Contentions, Ex. 1022 from IPR2013-00062, dated November 6, 2012 from case 6:11-cv-00622-LED-ZJH (E.D. Tex.)
1016	Declaration of David W. Brown, Ex. 2010 from IPR2013-00062, dated July 18, 2013, Ex. 2010
1017	U.S. App. No. 60/067,466 ("'466 Provisional"), Ex. 1017 from IPR2013-00063
1018	WOSA/XMC MCAPI and MCSPI Design Specification, Ex. 2012-1 in IPR2013-00062 ("Design Specification")
1019	Kevin Holloway, Motion Software Heads Toward Friendlier User Environments, Control Engineering, August 1995
1020	ODBC 2.0 Programmer's Reference and SDK Guide, Microsoft Press, 1994 ("ODBC Programmer's Guide") (selected excerpts)
1021	Allen-Bradley, GML Programmer's Workshop User's Manual, November 17, 1993 ("GML Programmer's Workshop")
1022	Allen-Bradley, GML V3.3 Programming Manual, June 17, 1993 ("GML Programming Manual")
1023	Compumotor Motion Toolbox User Guide, Version 1.0, March 1994 ("Motion Toolbox")
1024	LabVIEW User Manual ("LabVIEW"), Ex. 1012 from IPR2014-00122
1025	Motion Engineering, Inc. PC/DSP-Series Motion Controller C Programming Guide, Version 1.3, May 1992 ("Motion Control API")

Ex #	Exhibit
1026	Office Action dated October 2, 1996, excerpted from prosecution history of U.S. Patent No. 5,691,897
1027	Applicant's Amendment and Response to October 2, 1996 Office Action dated January 6, 1997, excerpted from prosecution history of U.S. Patent No. 5,691,897
1028	First Amended '236 Invalidity Contention Chart for Cashin, ODBC, and GML served by Defendants on AMS on September 16, 2016 in 2:15-cv-898-RWS (E.D. Tex.)
1029	'236 Invalidity Contention Chart for Cashin, ODBC, and Motion Toolbox served by Defendants on AMS on July 27, 2016 in 2:15-cv-898-RWS (E.D. Tex.)
1030	Microsoft Press Computer Dictionary, 1991 (selected excerpts)

4.   I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001).

Executed on October 17, 2016

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Jeffrey N. Costakos