UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) Inc.,
HTC Corporation, and
HTC America, Inc.,

Petitioner

v.

Evolved Wireless LLC,

Patent Owner

DECLARATION OF PAUL S. MIN, PH.D

Case No. IPR2016-00758

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A. Panasonic 792 (Exhibit 1002) was available to members of the general public as of at least March 21, 2006, without any restrictions. 41

B. Panasonic 114 (Exhibit 1003) was available to members of the general public as of at least May 2, 2006, without any restrictions....51

C. Chu (Exhibit 1004) was available to members of the general public as of at least July 1972, without any restrictions. 58

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I. Introduction & Summary of Opinions

1. My name is Paul Min. I submit this declaration on behalf of ZTE (USA) Inc., HTC Corporation, and HTC America, Inc. ("Petitioner"), which I understand are challenging the validity of claims 1-4, 6, 8-11, and 13 ("the challenged claims") of U.S. Patent No. 8,218,481 ("the 481 patent") in a petition for *inter partes* review.

2. I have been asked to provide an opinion on the validity of the challenged claims. In my opinion, for the reasons in the following sections, the challenged claims are invalid on the following grounds:

(1) claims 1, 2, 8, and 9 of the 481 patent are anticipated by and/or obvious in view of Panasonic 792 (Exhibit 1002);

(2) claims 3, 4, 10, and 11 of the 481 patent are obvious in view of Panasonic 792 (Exhibit 1002) and Panasonic 114 (Exhibit 1003); and

(3) claims 6 and 13 are obvious in view of Panasonic 792 (Exhibit 1002), Panasonic 114 (Exhibit 1003), and Chu (Exhibit 1004).

3. I have also been asked to provide an opinion on whether Exhibits 1002, 1003, and 1004 to the petition were available to interested members of the public before June 9, 2006, which is the claimed priority date of the 481 patent. In my opinion, for the reasons in the following sections:

(1) Exhibit 1002 (Panasonic 792) was available to members of the general

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public, including interested members of the public, without restriction as of at least March 21, 2006;

(2) Exhibit 1003 (Panasonic 114) was available to members of the general public, including interested members of the public, without restriction as of at least May 2, 2006; and

(3) Exhibit 1004 (Chu) was available to members of the general public, including interested members of the public, without restriction as of at least July 1972.

II. Background/Qualifications

4. Appendix A to this declaration is my curriculum vitae, which sets forth my qualifications.

5. I received a B.S. degree in Electrical Engineering in 1982, an M.S. degree in Electrical Engineering in 1984, and a Ph.D. degree in Electrical Engineering in 1987 from the University of Michigan in Ann Arbor. I received several academic honors, including my B.S. degree with honors, a best graduate student award and a best teaching assistant award during my M.S. study, and a best paper award from a major international conference for reporting results from my Ph.D. thesis.

6. After receiving my Ph.D., I worked at Bellcore in New Jersey from August 1987 until August 1990. At Bellcore, I was responsible for evolving the

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