

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Harvey et al.
U.S. Patent No.: 7,752,650 Attorney Docket No.: 39843-0030IP1
Issue Date: July 6, 2010
Appl. Serial No.: 08/460,711
Filing Date: June 2, 1995
Title: SIGNAL PROCESSING APPARATUS AND METHODS

Mail Stop Patent Board

Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF STUART LIPOFF UNDER 37 C.F.R. § 1.68
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 7,752,650**

Declaration of Stuart Lipoff Under 37 C.F.R. § 1.68 in Support of
Petition for *Inter Partes* Review of U.S. Patent No. 7,752,650

I, Stuart Lipoff, do hereby declare as follows:

I. INTRODUCTION

1. I have been retained as an expert witness on behalf of Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Petitioner”) for the above-captioned Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 7,752,650 (“the ’650 Patent”). I have reviewed the ’650 Patent and relevant excerpts of the prosecution history of the ’650 Patent. Additionally, I have reviewed the following: U.S. Patent No. 4,789,895 to Mustafa, et al. (“Mustafa”), International Pub. No. WO 81/02961 to Campbell et. al., (“Campbell-1A”), U.S. Patent No. 4,536,791 to Campbell et. al. (“Campbell-1B”), U.S. Patent Application Serial No. 06/135,987 to Campbell et. al. (“Campbell-1C”), and U.S. Patent No. 4,302,775 to Widergren, et al. (“Widergren”). I am being compensated for my time in connection with this IPR at my standard consulting rate of \$375 per hour. My compensation is not affected by the outcome of this matter.
2. I have been asked to provide my opinions regarding whether or not Claims 1, 2, 4, 18, 32, and 33 of the ’650 Patent (“the Challenged Claims”) are invalid as obvious to a person having ordinary skill in the art at the time of the alleged invention.
3. The ’650 Patent issued on July 6, 2010, from U.S. Patent Appl. No. 08/460, 711 (“the ’711 application”) filed on June 2, 1995 (Ex. 1002 at cover)

Declaration of Stuart Lipoff Under 37 C.F.R. § 1.68 in Support of
Petition for *Inter Partes* Review of U.S. Patent No. 7,752,650

The '650 Patent alleges to be a continuation of a series of applications dating back to U.S. Patent Appl. No. 07/096,096 filed on September 11, 1987, now U.S. Patent No. 4,965,825 (“the ‘096 Application”). The ‘096 Application alleges to be a continuation-in-part of a series of applications dating back to U.S. Patent Appl. No. 06/317,519, now U.S. Patent No. 4,694,490 (“the ‘519 Application”).

4. For the purposes of my Declaration, I have been asked to assume that the priority date of the alleged invention recited in the '650 Patent is September 11, 1987, as well as considering an earliest possible priority date of November 3, 1981.
5. The face of the '650 Patent names John Christopher Harvey and James William Cuddihy as the named inventors, and identifies Personalized Media Communications, LLC as the named assignee. (Ex. 1002 at cover).
6. In preparing this Declaration, I have reviewed the '650 Patent, the file history of the '650 Patent, numerous prior art references, and technical references from the time of the alleged invention.
7. I understand that claims in an IPR are given their broadest reasonable interpretation in view of the patent specification and the understandings of one having ordinary skill in the relevant art.
8. In forming the opinions expressed in this Declaration, I relied upon my education and experience in the relevant field of the art and have considered

Declaration of Stuart Lipoff Under 37 C.F.R. § 1.68 in Support of
Petition for *Inter Partes* Review of U.S. Patent No. 7,752,650

the viewpoint of a person having ordinary skill in the relevant art, as of the priority date. My opinions are based, at least in part, on the following references in view of the knowledge of one of ordinary skill in the art as of September 11, 1987, but my analysis and opinions in this Declaration would still be the same even if the priority date is found to be earlier, back to the earliest possible priority date of November 3, 1981:

Reference	Date of Public Availability
U.S. Patent No. 4,789,895 to Mustafa, et al. (“Mustafa”)	Filed April 30, 1987; Issued and Published on December 6, 1988 (Ex. 1009 at Face)
U.S. Patent No. 4,215,369 to Iijima (“Iijima”)	Filed December 15, 1978; Issued and Published on July 29, 1980 (Ex. 1010 at Face)
International Publication No. WO81/02961 (“Campbell-1A”)	Published October 15, 1981 (Ex. 1033 at Face)
U.S. Patent No. 4,536,791 to Campbell, et al. (“Campbell-1B”)	Filed November 27, 1981; Issued and Published on August 20, 1985 (Ex. 1011 at Face)
U.S. Patent No. 4,302,775 to Widergren, et al. (“Widergren”)	Filed December 15, 1978; Issued and Published November 24, 1981 (Ex. 1012 at Face)

II. BACKGROUND AND QUALIFICATIONS

9. My name is Stuart Lipoff. I am currently the president of IP Action Partners Inc. and have over 40 years of experience in a wide variety of technologies and industries relating to data communications, including data communications over wireless and cable systems networks.

Declaration of Stuart Lipoff Under 37 C.F.R. § 1.68 in Support of
Petition for *Inter Partes* Review of U.S. Patent No. 7,752,650

10. I have been retained by Petitioner in connection with its request for *inter partes* review of the '650 Patent. A copy of the '650 Patent has been designated Ex. 1002. I have reviewed and am familiar with the '650 Patent.
11. I have been asked to provide my opinion regarding the validity of certain claims of the '650 Patent. This Declaration includes a detailed discussion of my background and qualifications, the background of the technologies involved in and related to the '650 Patent that would have been understood by a person of ordinary skill in the art at the time of the filing of the '650 Patent, various prior art references that disclose—either alone or in combination with each other—all of the relevant features of the Challenged Claims. The bases and reasons for my opinions are set forth in this Declaration.

A. Educational Background

12. I earned a B.S. degree in Electrical Engineering in 1968 from Lehigh University and a second B.S. degree in Engineering Physics in 1969, also from Lehigh University. I also earned a M.S. degree in Electrical Engineering from Northwestern University in 1974 and a MBA degree from Suffolk University in 1983.

B. Career History and Relevant Industry Participation

13. I am currently the president of IP Action Partners Inc., which is a consulting practice serving the telecommunications, information technology, media,

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.