

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Pinter
U.S. Pat. No.: 5,894,506 Attorney Docket No.: 19473-0348IP2
Issue Date: Apr. 13, 1999
Appl. Serial No.: 08/708,696
Filing Date: Sep. 5, 1996
Title: METHOD AND APPARATUS FOR GENERATING AND
COMMUNICATING MESSAGES BETWEEN
SUBSCRIBERS TO AN ELECTRONIC MESSAGING
NETWORK

DECLARATION OF MR. PETER RYSAVY

TABLE OF CONTENTS

I. ASSIGNMENT.....	3
II. QUALIFICATIONS.....	3
III. LEGAL PRINCIPLES.....	6
A. Anticipation.....	6
B. Obviousness.....	7
C. Claim Construction.....	8
IV. PERSON OF ORDINARY SKILL IN THE ART	11
V. MATERIALS CONSIDERED.....	11
VI. BACKGROUND OF THE '506 PATENT	13
A. Subject Matter Overview.....	13
B. File History of the '506 Patent	15
C. Invention Date of the '506 Patent	16
VII. BACKGROUND KNOWLEDGE ONE OF SKILL IN THE ART WOULD HAVE HAD PRIOR TO THE FILING OF THE '506 PATENT	20
VIII. INTERPRETATIONS OF THE '506 PATENT CLAIMS AT ISSUE	24
IX. OVERVIEW OF CONCLUSIONS FORMED AND PRIOR ART REFERENCES.....	30
X. ANALYSIS OF WILL IN VIEW OF SHIMURA AND CANNON WITH RESPECT TO CLAIMS 1-7 AND 15-18 (GROUND 1).....	40
XI. ADDITIONAL REMARKS.....	142

I, Peter Rysavy, of Hood River, Oregon, declare that:

I. ASSIGNMENT

1. I have been retained as a technical expert by counsel on behalf of Google Inc. (“Google” or “Petitioner”). I understand that Google is requesting that the Patent Trial and Board (“PTAB” or “Board”) institute *inter partes* review (“IPR”) proceedings of U.S. Patent No. 5,894,506 (“the ’506 patent”) (Ex. 1001).

2. I have been asked to provide my independent analysis of the ’506 patent in light of the prior art publications cited below.

3. I am not, and never have been, an employee of Google. I received no compensation for this declaration beyond my normal hourly compensation based on my time actually spent analyzing the ’506 patent, the prior art publications cited below, and the issues related thereto, and I will not receive any added compensation based on the outcome of any IPR or other proceeding involving the ’506 patent.

II. QUALIFICATIONS

4. I have more than thirty-five years of technical experience working and teaching in the field of wireless communication technologies and other disciplines of electrical and computer engineering.

5. In 1979, I graduated from Stanford University with both a Bachelor’s of Science degree in electrical engineering (BSEE) and a Master’s of Science degree in electrical engineering (MSEE).

6. Following graduation from Stanford, I was employed at the Fluke Corporation, where I gained extensive experience developing data-acquisition products and touchscreen technologies.

7. After seven years at Fluke Corporation, I moved to Traveling Software, where, from 1988 to 1993, I held the position of Vice President of Engineering and Technology. While at Traveling Software (later renamed LapLink), I managed development of a range of products, including LapLink, LapLink Wireless, and connectivity solutions for a wide variety of mobile platforms. During this period, I was responsible for evaluating wireless technologies for use with the LapLink file transfer and synchronization product family. I also managed the development of a short-range wireless modem called LapLink Wireless that replaced a serial-data cable connection between computers.

8. In 1993, I founded a consulting firm, Rysavy & Associates, later renamed to Rysavy Research LLC. I have worked as a consultant in the field of wireless communications since that time, and am currently President of Rysavy Research LLC. Beginning in 1994, while continuing my work as a consultant, I also began teaching public courses on wireless technologies. For example, I taught courses at Portland State University and the University of California in Los Angeles. These courses included content about paging, cellular, mobile-data networks, mobile-browser technologies, and mobile-application architectures.

9. Past projects have included evaluation of wireless technology capabilities, reports on the evolution of wireless technology, strategic consultations, system design, articles, courses and webcasts, network performance measurement, test reports, and involvement in multiple patent litigation cases. This included analysis of the functionality of pagers in use during the mid-1990s, such as units offered by Motorola and SkyTel. *See* http://www.rysavy.com/Articles/1997_01_Two_Way_Paging.pdf. My past and current clients include more than ninety-five organizations.

10. I am an author or co-author of more than 160 articles, reports, and papers, and I have taught more than 40 public courses and webcasts about topics in wireless technology. I have also performed technical evaluations of many wireless technologies including mobile browser technologies, wireless email systems, municipal/mesh Wi-Fi networks, Wi-Fi hotspot networks, cellular-data services, and social networking applications.

11. Since 2000, as part of my consulting practice, I have been the executive director of the Portable Computer and Communications Association (PCCA), which was formally incorporated in May of 1993. The PCCA currently operates as the Wireless Technology Association. The PCCA's mission has been to promote the interoperability of wireless-data systems, and its initial work was to develop interfaces between computer and wireless modems, as described, for

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.