

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Hays *et al.*
U.S. Patent No.: 5,659,891
Issue Date: August 19, 1997
Appl. Serial No.: 08/480,718
Filing Date: June 7, 1995
Title: Multicarrier Techniques in Bandlimited Channels
IPR: IPR2016-00768

DECLARATION OF DR. JAY P. KESAN

1. My name is Dr. Jay P. Kesan. I understand that I am submitting a declaration for Mobile Telecommunications Technologies LLC (MTel”), offering technical opinions in connection with the above-referenced *Inter Partes* Review (IPR) proceeding pending in the United States Patent and Trademark Office for U.S. Patent No. 5,659,891 (the “891 patent”), and prior art references relating to its subject matter. My current *curriculum vitae* is attached as Appendix A.
2. I also provide selected background information here relevant to myself, my experience, and this proceeding.
3. I am a Professor at the University of Illinois at Urbana-Champaign, where I am appointed in the College of Law, the Department of Electrical and Computer Engineering, the Coordinated Science Laboratory, and the Information Trust Institute. I have a Ph.D. in Electrical and Computer

Engineering from the University of Texas at Austin and a J.D., *summa cum laude* from Georgetown University. I have also worked as a research scientist at the IBM T.J. Watson Research Center, and I am a named inventor on several United States patents. I have also served as a technical expert and legal expert in patent infringement lawsuits. I have been appointed to serve as a Special Master in patent disputes.

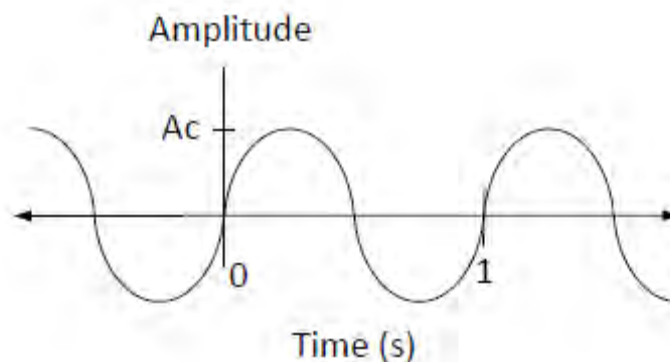
Additionally, I have been appointed as a Thomas Edison Scholar at the United States Patent and Trademark Office (“USPTO”).

4. My opinions in this report are based on my experience and expertise in the field relevant to the '891 patent. To prepare this Report, I have reviewed and considered materials shown in Appendix B and referred to herein, principally including the '891 patent and its file history, the Petrovic reference, and the extrinsic evidence cited.
5. I anticipate using some of the above-referenced documents and information, or other information and material that may be produced during the course of this proceeding (such as by deposition testimony), as well as representative charts, graphs, schematics and diagrams, animations, and models that will be based on those documents, information, and material, to support and to explain my testimony before the Board regarding the validity of the '891 patent.

6. This report is based on information currently available to me. To the extent that additional information becomes available (whether from documents that may be produced, from testimony that may be given or in depositions yet to be taken, or from any other source), I reserve the right to continue the investigation and study. I may thus expand or modify my opinions as that investigation and study continues. I may also supplement my opinions in response to such additional information that becomes available to me, any matters raised by and/or opinions provided by MTel's experts, or in light of any relevant orders from the Board.
7. Throughout this report, I cite to certain documents or testimony that support my opinions, including appendices C-K. These citations are not intended to be and are not exhaustive examples. Citation to documents or testimony is not intended to signify and does not signify that my expert opinions are limited by or based solely on the cited sources.
8. I am an attorney, registered to practice before the United States Patent and Trademark Office, and a legal expert in United States Patent Law.
9. A person of ordinary skill in the art at the time of the invention (PHOSITA) of the '891 Patent would possess a bachelor's degree in electrical engineering or its equivalent and about four years working in the field of wireless telecommunications networks and would possess

knowledge regarding frequency, amplitude, and masks as used in telecommunications, or equivalent education and work experience.

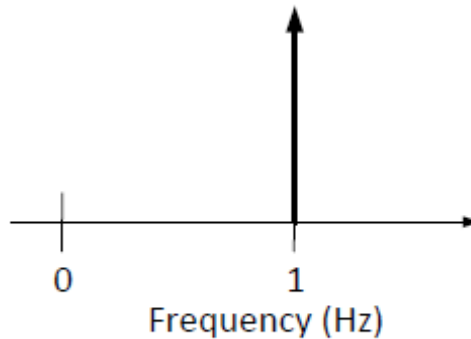
10. I have considered Dr. Kakaes opinion regarding the level of skill of a PHOSITA (Ex. 1003 at ¶ 10), and my opinions expressed herein would not change, even under his definition.
11. The '891 Patent is directed to the field of telecommunications and to systems and methods for operating paging carriers.
12. A brief background on carriers is helpful in understanding how the '891 Patent is operating carriers.
13. Most simply, in telecommunications an unmodulated carrier is, in general, a sinusoidal waveform. Drawing 1 below illustrates a carrier with a frequency of 1 Hz and an amplitude A_c .



Drawing 1

14. Drawing 1 depicts an ideal carrier in the time domain. However, in telecommunications, it is frequently useful to view carriers in the

frequency domain. In the frequency domain, the ideal carrier of Drawing 1 has just a single frequency of 1 Hz. Drawing 2 below illustrates the carrier of Drawing 1 as shown in the frequency domain.



Drawing 2

15. In Drawing 2, the carrier is shown as an impulse with a single frequency. This is because the sinusoidal waveform of Drawing 1 is ideal.
16. In the real world, it is not possible to transmit an ideal sinusoidal waveform even for an unmodulated carrier. Additional unwanted frequencies are generated. As a result, even in the frequency domain, a carrier has more than one frequency.
17. In Drawing 2, the y-axis is not specified. In telecommunications, the frequencies of a carrier are often plotted in relation to their peaks intensities or their power levels. These types of plots can be referred to

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.