

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Patent Owner.

Case IPR2017-700, IPR2017-00701, IPR2017-728
Patent 7,421,032

DECLARATION OF JAMES A. DAVIS, PH.D.

Apple v. Caltech
IPR2017-00728
Apple 1273

1. I have been informed that during a conference with the Board on Feb. 15, 2018, counsel for the Patent Owner, Caltech, suggested to the Board that I had not submitted declarations in support of the Petitioner's Replies for some reason other than my availability. That is incorrect.

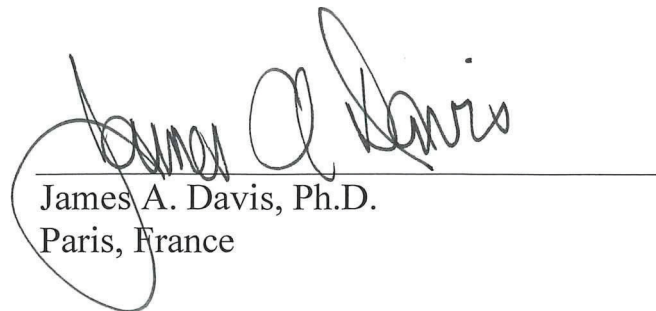
2. Following my deposition in IPR2017-210, IPR2017-219, IPR2017-297, IPR2017-700, IPR2017-701 and IPR2017-728 (the "IPRs"), I evaluated the remaining schedule for the IPRs as well as obligations associated with my Fulbright award. After evaluating the schedules, I informed counsel for Petitioner that, due to obligations associated with my Fulbright award, I would be unable to prepare and submit declarations for the Replies. As part of the Fulbright award, I have been in Europe from January 13, 2018, through to the present. Due to the work I needed to do while still in the US to prepare for this European posting, and the need to focus on Fulbright-related activities while outside of the US, I did not have time to prepare another round of declarations, which I understand would have been due with Replies in February. Petitioner's counsel and I worked to see whether we could find any way to manage my schedule such that I could submit declarations with the Replies, but I ultimately concluded that my Fulbright responsibilities precluded my doing so. I stand behind my original declarations and deposition testimony, and would have liked to continue working with

Petitioner's counsel on the IPRs. Unfortunately, I could not do so while also meeting my obligations for the Fulbright award.

3. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the full knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code.

Dated: 2/19/18


James A. Davis, Ph.D.
Paris, France