

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

K/S HIMPP,  
Petitioner,

v.

III HOLDINGS 4, LLC,  
Patent Owner

---

Case IPR2017-00782  
Patent 8,654,999

---

**Declaration of Clyde “Kip” Brown  
In Support of Patent Owner Response**

## Table of Contents

I.	Introduction .....	5
II.	Qualifications .....	5
III.	My Understanding of the Obviousness Standard in Determining Patentability .....	7
IV.	Basis of Opinion.....	8
V.	Overview of the '999 Patent .....	10
	A. Background.....	10
	B. Independent Claims .....	17
	C. Prosecution History of the '999 Patent .....	18
VI.	Claim Construction .....	18
VII.	Claims 10, 13, 14, and 20 Are Patentable.....	20
	A. Overview of Distinctions for the Combination of Fichtl and Mangold.....	20
	B. Fichtl in view of Mangold and Bisgaard does not disclose “sequence of incremental hearing correction filters including at least a first hearing correction filter and a second hearing correction filter” as recited in claim 10.....	27
	C. Fichtl in view of Mangold and Bisgaard does not disclose “generate a sequence of incremental hearing correction filters,” as recited in claim 10.....	31

VIII. Fichtl in view of Mangold and Sacha fails to teach the elements of claims 11 and 15 ..... 34

## Table of Exhibits

Exhibit No.	Document
2001	Comparison of the Petition arguments and Les Atlas Declaration for certain claim limitations
2002	Highlighted version of Les Atlas Declaration
2103	Expert Declaration of Clyde “Kip” Brown, Jr., P.E.
2104	CV of Clyde “Kip” Brown, Jr., P.E.
2105	Deposition Transcript of Les Atlas, September 27, 2017

## **I. Introduction**

I, Clyde "Kip" Brown, declare as follows:

1. I am over 18 years of age. I have personal knowledge of the facts stated in this declaration and could testify competently to them if asked to do so.
2. I have been retained on behalf of III Holdings 4, LLC ("Patent Owner") to provide expert opinions in connection with an *inter partes* review ("IPR") of U.S. Patent No. 8,654,999 ("the '999 patent") assigned case number IPR2017-00782. Specifically, I have been asked to provide my opinion relating to an inquiry into the patentability of claims 10, 11, 13-15, and 20 ("the Challenged Claims") of the '999 patent.
3. I am being compensated for my time spent on this matter by Patent Owner, including independent study, document review, analysis, and writing, at my standard hourly consulting rates. My compensation is not dependent upon my testimony or the outcome of this or any other proceeding. I have no financial interest in Patent Owner.

## **II. Qualifications**

4. I have over 45 years of engineering design experience as an analog mixed signal IC designer. I have developed both smart power and single battery ultra-low noise processes and ICs.

# 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.