UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KINGSTON TECHNOLOGY COMPANY, INC.
Petitioner

v.

SPEX TECHNOLOGIES, INC.
Patent Owner

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Case IPR: Unassigned
U.S. Patent No. 6,088,802

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Date: January 30, 2017

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DECLARATION BY ROY A. GRIFFIN III, P.E.
REGARDING U.S. PATENT NO. 6,088,802
UNDER 37 C.F.R. § 42.63(a)

I, Roy A. Griffin III, P.E., do declare and state as follows:

I.   INTRODUCTION

1.   My name is Roy Allen Griffin, III. I reside at 668 Nenna Court, El Paso, Texas.

2.   I have been engaged by Real Party in Interest Kingston Technology Company, Inc. to provide my expert opinions relating to U.S. Patent No. 6,088,802 (the '802 patent, Ex. 1001) and its subject matter. I also have been asked to provide expert opinions, in a separate declaration for a separate *inter partes* review, relating to U.S. Patent No. 6,003,135 (the '135 patent), which is commonly owned with the '802 patent, was filed the same day, and relates to very similar subject matter, though the '802 and '135 patents are not related by priority claim.

3.   I have been asked to consider whether certain references, alone or in combination, anticipate or make obvious the claims of the '802 patent.

II.   BACKGROUND AND EXPERIENCE

4.   I have been retained by Petitioner as an expert in the fields of electrical and computer engineering.

5.   I received a B.S. degree in Electrical Engineering in 1981 from the University of Texas at El Paso. I am a Texas Registered Professional Engineer.

6.   I have over 30 years of industry experience in electrical engineering, product and system design, secure circuits and software, digital logic, microprocessor and microcontroller program development, firmware disassembly, patent analysis, and reverse engineering. I have special expertise in television, access control, smart cards, encryption, scrambling, and anti-piracy.

7.   I am familiar with encryption and security technologies as employed in modular devices such as smart cards and television signal decryption modules, having been involved in the design and analysis of such technologies since the 1980s. I have analyzed the security of microprocessor smart cards, investigated smart card patents and ISO smart card standards. For example, I established interface requirements for VideoCipher's "TV Pass Card" security program in the early 1990s.

8.   As a software, firmware, and digital logic designer, I have developed or analyzed many computer- and microcontroller-based systems as well as devices that interface and communicate with each other through various types of buses.

9.   I have been retained by both plaintiffs and defendants in intellectual property cases, and have provided expert testimony in the form of declarations, expert reports, and expert testimony in over a dozen patent infringement cases. A number of the intellectual property cases have involved security technologies.

10.   I am a named inventor on five U.S. Patents, including U.S. Patent No. 5,151,938, "Security enhancement in a data processor through use of dynamic parameter authentication," issued September 29, 1992.

11.   A complete listing of my patents and publications is contained in my *curriculum vitae*, which is attached as Exhibit A.

12.   I am being compensated for my work related to this *inter partes* review at the rate of $400 per hour for my services, plus costs incurred. No part of my compensation is contingent upon the content of my report, testimony, or outcome of this case, or any of the issues in it.

13.   In the past four years, I have testified as an expert in the following matters:

- Sony Corporation v. Pace PLC and Pace Americas, LLC (District of Delaware, Case No. 15-288-SLR-SRF) (deposition testimony).

- Bridgestone Americas Tire Operations LLC, v. TRW Automotive Holdings Corp., et al. (D. Del. Case No. 13-1550-GMS) (deposition and trial testimony).

- British Telecommunications PLC v Coxcom, Inc., Cox Communications, Inc., and Cable One, Inc. Civil Action No. 10-cv-658-SLR, (D. Del.); Comcast Cable Communications, LLC and Comcast Corporation v. British Telecommunications PLC, Civil Action No. 11-cv-843-SLR, (D. Del.) (deposition testimony).

- Certain Products Containing Interactive Program Guide and Parental Controls Technology, ITC Inv. No. 337-TA-845 (deposition and hearing testimony).

- Certain Products Containing Interactive Program Guide and Parental Controls Technology, Inv. No. 337-TA-820 (hearing testimony).

14.   I am competent to make this declaration based upon my personal knowledge and technical expertise of the art, and based on my consideration of at least the following materials:

- U.S. Patent No. 6,088,802, Ex. 1001

- Prosecution History of U.S. Patent No. 6,088,802, Ex. 1002

- WO 95/16238, to Jones et al. ("Jones"), Ex. 1003

- U.S. Patent No. 5,675,645, to Schwartz et al., Ex. 1004

- U.S. Patent No. 5,237,609, to Kimura, Ex. 1005

- Patent Owner's Claims Chart, comparing the '802 patent to a Petitioner product that Patent Owner accuses of infringement, Ex. 1006

- U.S. Patent No. 5,465,338, to Clay, Ex. 1007

- <u>Common Interface Specification for Conditional Access and Other Digital Video Broadcasting Decoder Applications</u>, Digital Video Broadcasting, DVB Document, May 1996 (hereinafter "Common Interface Specification"), Ex. 1008

15.   I understand that a claim is invalid if it is anticipated or obvious. A claim is invalid if it is anticipated by the prior art. A claim is anticipated if a single prior art reference discloses all of the limitations of that claim. Prior art may disclose a limitation directly or inherently. A limitation is disclosed inherently if it necessarily results from practicing what is directly taught in the prior art. A claim is anticipated only if each and every element as set forth in the claim is found, whether expressly or inherently described, in a single prior art reference.

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