

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) Inc.,
Samsung Electronics Co., Ltd., and
Samsung Electronics America, Inc.,

Petitioner

v.

Evolved Wireless LLC,

Patent Owner

DECLARATION OF PAUL S. MIN, PH.D

Case No. IPR2016-01342

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C.	Chu (Exhibit 1004) was available to members of the general public as of at least July 1972, without any restrictions.	66

I. Introduction & Summary of Opinions

1. My name is Paul Min. I submit this declaration on behalf of ZTE (USA) Inc., Samsung Electronics Co., Ltd. And Samsung Electronics America, Inc. (“Petitioner”), which I understand are challenging the validity of claims 1-4, 6, 8-11, and 13 (“the challenged claims”) of U.S. Patent No. 8,218,481 (“the 481 patent”) in a petition for *inter partes* review.

2. I have been asked to provide an opinion on the validity of the challenged claims. In my opinion, for the reasons in the following sections, the challenged claims are invalid on the following grounds:

- (1) claims 1 and 2 are anticipated or obvious based on Panasonic 700 (Exhibit 1002);
- (2) claim 3 is obvious based on Panasonic 700 (Exhibit 1002) and Panasonic 114 (Exhibit 1003);
- (3) claims 4 and 6 are obvious based on Panasonic 700 (Exhibit 1002), Panasonic 114 (Exhibit 1003), and Chu (Exhibit 1004);
- (4) claims 8 and 9 are obvious based on Panasonic 700 (Exhibit 1002) and Motorola 595 (Exhibit 1020);
- (5) claim 10 is obvious based on Panasonic 700 (Exhibit 1002), Panasonic 114 (Exhibit 1003), and Motorola 595 (Exhibit 1020); and
- (6) claims 11 and 13 are obvious based on Panasonic 700 (Exhibit 1002),

Panasonic 114 (Exhibit 1003), Chu (Exhibit 1004), and Motorola 595 (Exhibit 1020).

3. I have also been asked to provide an opinion on whether Exhibits 1002, 1003, and 1004 to the petition were available to interested members of the public before June 9, 2006, which is the claimed priority date of the 481 patent. In my opinion, for the reasons in the following sections:

- (1) Exhibit 1002 (Panasonic 700) was available to members of the general public, including interested members of the public, without restriction as of at least February 17, 2006;
- (2) Exhibit 1003 (Panasonic 114) was available to members of the general public, including interested members of the public, without restriction as of at least May 2, 2006; and
- (3) Exhibit 1004 (Chu) was available to members of the general public, including interested members of the public, without restriction as of at least July 1972.

II. Background/Qualifications

4. Appendix A to this declaration is my curriculum vitae, which sets forth my qualifications.

5. I received a B.S. degree in Electrical Engineering in 1982, an M.S. degree in Electrical Engineering in 1984, and a Ph.D. degree in Electrical

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