

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

International Business Machines Corporation
Petitioner,

v.

EnvisionIT, LLC
Patent Owner

Patent No. 8,438,221

Title: BROADCAST ALERTING MESSAGE AGGREGATOR/GATEWAY
SYSTEM AND METHOD

Inter Partes Review No. IPR2017-01247

EXPERT DECLARATION OF RAJEEV SURATI, PH.D. IN SUPPORT OF THE
PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,438,221

IBM EX 1005

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1. I, Rajeev Surati, Ph.D., declare as follows:

I. INTRODUCTION

2. I have been retained by International Business Machine Corporation (IBM) about its petition for *inter partes* review (IPR) of U.S. Patent No. 8,438,221 (the '221 patent). The statements set forth in this declaration are based on my own personal knowledge. I am being compensated at my usual rate for the time spent preparing this declaration, and my compensation is not contingent on the outcome of any matter or on any of the opinions provided below. I have no financial interest in this matter.

3. The opinions set forth in this declaration are my own. My opinions are based on many years of experience in the field of messaging, telecommunications, and more generally electrical engineering and computer science for which I hold a Ph.D., and on the materials cited herein.

II. BACKGROUND AND QUALIFICATIONS

4. I have more than twenty (20) years of experience in electrical engineering, computer science, and electronic messaging.

5. I attended the Massachusetts Institute of Technology (MIT) from 1988 to 1999, during which time I earned Bachelor of Science (1992), Master of Science (1995), and Doctor of Philosophy (1999) degrees in electrical engineering and computer science.

6. I am the inventor of U.S. Patent No. 5,943,478, entitled “System for Popup Messaging over the Internet,” which describes a two-way messaging system like AOL Instant Messenger and MIT’s Zephyr service built at Internet scale.

7. In 1996, I founded a company called Flash Communications, which focused on technology related to U.S. Patent No. 5,943,478 and associated technology that I had developed related to pop-up two-way messaging over the Internet. Flash Communications was sold to Microsoft Corporation in 1998, and Flash Communications’ messaging technology was incorporated into Microsoft’s Messenger service and Microsoft Exchange 2000 Instant Messaging Service.

8. While working at Microsoft between 1999 and 2000, I worked in the Microsoft Exchange Server group. The group was responsible for all of Microsoft’s Messaging products including e-mail, instant messaging, and what later became their unified messaging offering that included telephony etc. I worked on many systems, including those that involved multicasting, a form of broadcasting.

9. While at Microsoft I was an inventor of US Patent No. 6,260,148: Methods and systems for message forwarding and property notifications using electronic subscriptions; US Patent No. 6,415,318: Inter-enterprise messaging system using bridgehead servers; and US Patent No. 6,604,133: Inter-enterprise messaging system using bridgehead servers. Each of these patents is related to

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messaging, property subscription and notification, architectures for distributing broadcast messages, etc. All are topics relevant to the field of use of the patent that is the subject of this IPR.

10. While at Microsoft I worked on an XML parsing engine for the standard for IMPP, which is now known by the name XMPP, an XML language for Instant Messaging and Presence.

11. Between 2000 and 2004, I worked as a consultant and investor at Nexaweb Corporation, where I helped implement several two-way messaging systems.

12. Also in 2000, I started a company known as photo.net, which was a large online photography community known as one of the first social networking and photo sharing web sites. Messaging and broadcasting content were a core part of the offering of the site and I managed the implementation and hosting aspect of setting up and running the various SMTP, MTA, WAP, and SMS servers to enable communication with our user base. I built an application infrastructure to a scale that allowed me to be experienced with the issues in broadcasting messages to millions of users.

13. In 2004, I founded another company, Scalable Display Technologies (SDT). I have been the Chairman of SDT since its founding and President until 2014. SDT operates in the audio-video domain and has licensed software and

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