

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UBISOFT, INC. AND SQUARE ENIX, INC.,

Petitioners,

v.

UNILOC USA, INC. AND UNILOC LUXEMBOURG S.A.

Patent Owners

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Case IPR2017-1291  
U.S. Patent 6,728,766

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**DECLARATION OF DR. VAL DIÉULIIS**

July 25, 2017

# TABLE OF CONTENTS

1. INTRODUCTION .....	3
2. QUALIFICATIONS.....	4
3. COMPENSATION, TESTIMONY, AND PUBLICATIONS .....	7
4. INFORMATION CONSIDERED .....	8
5. DEFENDANTS' LEGAL POSITION IN DISTRICT COURT .....	9
6. OLSEN'S "SECURITY EQUIVALENCY CHECK" DETERMINES WHETHER A USER IS AUTHORIZED TO USE AN APPLICATION.....	10

I, Dr. Val DiEuliis, hereby declare and state as follows:

**1. Introduction**

1. My name is Val DiEuliis, and I have been retained by Uniloc, USA, Inc., and Uniloc Luxembourg S.A. (“Uniloc” or the “Patent Owner”). My client Uniloc and its associated counsel, Etheridge Law Group, have asked me to study U.S. Patent No. 6,728,766 (“the ’766 patent”), the Petition, and the proffered prior art in this case, in addition to other relevant documents. I document my findings in this declaration.

2. I have concluded that U.S. Patent No. 5,758,069 (Olsen; EX1002) does not disclose any distinction between its “security equivalency check” and the function of “determination that the user is authorized to access the selected application program.” And I understand that the Petitioners took the position in the district court proceedings that the claim limitation “license availability” “disclaims” or cannot be met by a reference that only discloses the function of “determination that the user is authorized to access the selected application program.” Therefore, I conclude that Olsen cannot meet the claim limitation “determining the license availability for the selected one of the plurality of application programs for the user based on the maintained license.”

3. The limited scope of my opinions and analysis in this declaration do not imply that I may not later express other opinions or report other results from other investigations concerning other issues raised by the Petitioners or their experts in this IPR.

## **2. Qualifications**

4. I am an electrical engineer with over 45 years of experience developing, programming, and analyzing computer algorithms and software. I am experienced with and able to create, read, and interpret firmware and software in C, C++, Java, assembly language, HTML, and other computer programming languages. I have served as an expert witness in multiple cases for which I analyzed computer source code in various languages and testified at ITC hearings and two jury trials concerning my results.

5. During my career, I have developed and managed projects for various applications, including sensors, controls, communications, user interfaces, device firmware, handheld devices, medical devices and systems, and test systems for optical and magnetic disk systems.

6. I have designed, developed, and implemented hardware and software for digital communication networks, including factory

networks, document capture and distribution, and communications links for various applications. See DiEuliis CV (e.g., Website Development, Industrial Valve Position Sensor, Condition-Based Maintenance System, Avionics Environmental Monitor, Radio Frequency Billboard Network, Wireless Bar Code System for Hospitals, ISA Board for 4-Port RS422 Serial Communications Multiplexer). See also Id. at 3 (Digital Document Storage Technology).

7. As a graduate student at the University of Illinois at Urbana-Champaign, I obtained extensive training in the complexity of algorithms; the complexity of databases from an information-theoretic point-of-view; information theory; combinatorics and combinatorial algorithms; and the mathematics and algorithms of error correcting codes, a field closely related to cryptography. In addition, as a part of my graduate research, I created and developed heuristic algorithms and wrote software to synthesize non-linear codes for optimizing the spectra of coded digital communications signals.

8. I received the Ph.D. and M.S. degrees in electrical engineering from the University of Illinois at Urbana-Champaign in 1978 and 1976, respectively, and the B.S. degree in electrical engineering from the University of Notre Dame in 1972. I am a Registered Professional

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