

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BITDEFENDER INC.
Petitioner

v.

UNILOC USA, INC.
Patent Owner

Case IPR2017-01315
Patent 6,510,466

**Transmittal of Corrected Copy of Exhibit 1008
(Thomas A. Day Declaration)**

Transmitted herewith is a corrected copy of Exhibit 1008 (Thomas A. Day Declaration) in size 14 font. Please replace the previously-filed copy of Exhibit 1008 with the attached corrected copy.

42.6(e) CERTIFICATE OF SERVICE

I hereby certify that, on April 24, 2017, a true and correct copy of the following materials:

- Exhibit 1008 (Corrected) to Petition for *Inter Partes* Review

was served via Priority Mail Express on the following attorneys of record as listed on PAIR:

Myers Bigel, P.A.
P. O. Box 37428
Raleigh, NC 27627

Date of Service: April 24, 2017

42.6(e)(4)(iii)(B) The name and address of every person served are:

Myers Bigel, P.A.
P. O. Box 37428
Raleigh, NC 27627

Signed:
/Andrei D. Popovici/
Andrei D. Popovici
Registration No. 42,401

Ex. 1008

Declaration of Thomas A. Day

(“Day Declaration”)

(corrected)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BITDEFENDER INC.

Petitioner,

v.

UNILOC USA INC. and
UNILOC LUXEMBOURG SA,

Patent Owner.

IPR Regarding
Patent № 6,510,466

DECLARATION OF
THOMAS A. DAY

1 1. I am Thomas A. Day, principal of Day & Company LLC, a software
2 development and consulting firm. I am a forensic software examiner, intellectual
3 property analyst, and professional software developer with thirty-nine years'
4 experience in the computer industry. In my capacity as an intellectual property
5 analyst, I have served as an expert and given testimony in matters including
6 software and other technology patents, copyrights, trade secrets, and licensing. In
7 my capacity as a forensic software examiner, I have served as an expert and given

1 testimony in matters including digital forensics and electronic evidence
2 preservation, recovery, and spoliation.

3 2. I have been retained by outside counsel for Petitioner in this matter,
4 Bitdefender, Inc. (Petitioner or Bitdefender), to form an opinion on issues of claim
5 construction and prior art concerning *Inter Partes* Review for United States Patent
6 № 6,510,466 to Cox, *et al.* (the '466 Patent) with a priority date of December 14,
7 1998 and a publication date of January 21, 2003. A copy of my curriculum vitae is
8 attached to this Declaration as Exhibit A. I have agreed to be bound by any
9 confidentiality or protective order on file and of record in the above-entitled
10 matter, and to return or destroy as requested all documents submitted for my
11 review, and to keep all opinions and conclusions confidential without disclosure
12 other than to the parties and the Court in the above-referenced Review.

13 3. With respect to this Declaration, I have been asked by counsel for
14 Petitioner whether certain United States patents constitute invalidating prior art for
15 '466 Patent Claims 1, 2, 7–9, 15–17, 22–24, 30, and 35–37 under 35 USC § 102,
16 Novelty; and 35 USC § 103, Obviousness; with particular deference to *KSR Int'l*
17 *Co. v. Teleflex Inc.*, 550 U.S. 398 (2007) (*KSR*). I am being compensated in this
18 matter at a rate of US\$350.00 per hour, with compensation not dependent on
19 outcome.

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