UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BUNGIE, INC.,
Petitioner,

v.

ACCELERATION BAY, LLC,
Patent Owner.

Patent No. 6,910,069

DECLARATION OF DR. NICHOLAS BAMBOS, Ph.D.

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I, Dr. Nicholas Bambos, Ph.D., declare as follows:

I. QUALIFICATIONS

1. I am R. Weiland Professor of Engineering at Stanford University, having a joint appointment in the Department of Electrical Engineering and the Department of Management Science & Engineering. I am also currently serving as the Fortinet Chairman of the Department of Management Science & Engineering. Before joining Stanford as an Associate Professor in 1996, I served as an Assistant Professor (1990-95), and tenured Associate Professor (1995-96) in the Electrical Engineering Department of the University of California at Los Angeles (UCLA). I received my Ph.D. from the University of California at Berkeley (1989) in Electrical Engineering and Computer Sciences (EECS). Also from U.C. Berkeley, I received a M.S. in EECS (1987), and a M.A. in Mathematics (1989). I graduated in Electrical Engineering from the National Technical University of Athens-Greece (1984) with first class honors.

2. At Stanford University, I head the Network Architecture and Performance Engineering research group, working on high-performance design of computer systems and networks. From 1999 to 2005 I was the Director of the Stanford Networking Research Center project. I have held the Cisco Systems Faculty Development Chair (1999-2003) in computer networking at Stanford University and have won the IBM Faculty Development Award (2002) for research

in performance engineering of computer systems and networks. I have also been the recipient of the National Young Investigator Award of the National Science Foundation (1992). I have served as editor of various research journals (including the "Wireless Networks" and "Computer Networks" research journals), as technical reviewer for numerous networking and computing research journals, and on various technical panels for the National Science Foundation, etc.

3. For over 25 years, I have done research in and taught computing/networking technology concepts and design principles (at Stanford since 1996 and at UCLA during 1989-96). I have graduated over 25 Ph.D. students who have then been in leadership positions in academia and the information technology industry (Stanford University, California Institute of Technology, Columbia University, New York University, University of Michigan; Cisco, IBM Labs, Qualcomm, ST Micro, Google, Intel, Nokia, MITRE, Sun Labs, Broadcom, Facebook, Twitter, etc.).

4. My professional *curriculum vitae*, including my publications and patents, is submitted as Exhibit 1004

II. SCOPE OF WORK

5. I am informed by counsel that a petition is being filed with the United States Patent and Trademark Office requesting *inter partes* review of U.S. Patent

No. 6,910,069 to Holt et al. (the "'069 patent," attached as Exhibit 1001), entitled "Joining A Broadcast Channel."

6. I have been retained by Bungie, Inc. ("Bungie") to offer an expert opinion on the unpatentability of certain claims of the '069 patent. I receive $450 per hour for my work on this case, which is my standard rate. No part of my compensation is dependent on my opinions or on the outcome of this proceeding.

7. Specifically, I have been asked to provide my opinions on claims 1-5, 7, 8, and 11-13 of the '069 patent ("subject claims"). In connection with this analysis, I have reviewed the '069 patent and its file history with respect to its original examination. I have also reviewed various other documents in arriving at my opinions. The documents relied upon in arriving at my opinions are listed in the Appendix to this declaration.

III. OVERVIEW OF THE '069 PATENT

8. At the top of Column 1, the '069 patent lists a set of nine patent applications all filed on the same day (July 31, 2000), one of which is the application that led to the '069 patent.

9. The subject claims are directed to a "method for adding a participant to a network of participants, each participant being connected to three or more other participants." EX1001, claim 1 at 28:49-51. Much of the specification, however, concerns other concepts that are not directly related to the subject claims.

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