IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BARCO, INC.,
Petitioner,

v.

T-REX PROPERTY AB
Patent Owner.

PETITION FOR INTER PARTES REVIEW
U.S. PATENT NO. 7,382,334

DECLARATION OF TRAVIS N. BLALOCK, Ph.D.

DECLARATION OF TRAVIS N. BLALOCK, PH.D.
REGARDING VALIDITY OF U.S. PATENT NO. 7,382,334

I. Introduction and Summary of Opinions

1. I, Travis N. Blalock, have been retained as a technical expert by Barco, Inc. ("Barco") to provide my opinions and analysis in the above-captioned Inter Partes review.

2. This report sets forth my opinions regarding the validity of U.S. Patent No. 7,382,334 titled "Digital Information System" ("the '334 patent"). If asked to do so, I anticipate testifying at a hearing based on the opinions expressed in this report.

3. As explained more fully below, it is my opinion that claims 22, 32 and 33 of the '334 patent are invalid over prior art, specifically Japanese Patent Application Heisei 07-168544 ("Nakamura"), and U.S. Patent No. 5,566,353 to Cho et al. ("Cho").

4. The information and opinions in this report are based on materials I have been provided by Barco's counsel, including claim construction materials, the prosecution file histories, the patents and other references cited in the file history and in this filing, and various additional patents, articles, texts, and other documentation that pre-date the filing of the patent, as well as my personal

knowledge and experience. Where appropriate, I have included citations that are illustrative of the points expressed, which may also be supported by numerous other references.

II. Legal Understanding

5. My opinions are informed by my understanding of the relevant law. I understand that the patentability analysis is conducted on a claim-by-claim basis. I also understand that a patent subject to *inter partes* review is not presumed to be valid.

A. Claim Construction.

6. I understand that in proceedings before the USPTO, the claims of an unexpired patent are to be given their broadest reasonable interpretation in view of the patent's specification from the perspective of one of ordinary skill in the art. I also understand that expired patents are to be construed under the Phillips standard, as used in district courts, with which I am familiar. I believe that the claim constructions applied in this declaration are correct under either standard.

B. Anticipation.

7. First, I understand that a single piece of prior art "anticipates" a claim if each and every element of the claim is disclosed in that prior art. I further understand that, where a claim element is not explicitly disclosed in a prior art

reference, the reference may nonetheless anticipate a claim if the missing claim element is necessarily present in the apparatus or a natural result of the method disclosed—*i.e.*, the missing element is "inherent."

C. Obviousness.

8. I understand that the prior art may render a patent claim "obvious." I understand that two or more pieces of prior art that each disclose fewer than all elements of a patent claim may nevertheless be combined to render a patent claim obvious if the combination of the prior art collectively discloses all elements of the claim and one of ordinary skill in the art at the time would have been motivated to combine the prior art. I understand that this motivation to combine need not be explicit in any of the prior art, but may be inferred from the knowledge of one of ordinary skill in the art at the time the patent was filed. I also understand that one of ordinary skill in the art is not an automaton, but is a person having ordinary creativity. I further understand that one or more pieces of prior art that disclose fewer than all of the elements of a patent claim may render a patent claim obvious if including the missing element would have been obvious to one of ordinary skill in the art (*e.g.*, the missing element represents only an insubstantial difference over the prior art or a reconfiguration of a known system).

9. I understand that a patent claim is obvious if the differences between the subject matter claimed and the prior art are such that the subject matter as a whole would have been obvious at the time of the invention. I understand that the obviousness analysis must focus on the knowledge available to one of skill in the art at the time of the invention in order to avoid impermissible hindsight. I further understand that the obviousness inquiry assumes that the person having ordinary skill in the art would have knowledge of all relevant references available at the time of the invention.

10. I also understand that the USPTO has identified exemplary rationales that may support a conclusion of obviousness, and I have considered those rationales in my analysis. The rationales include:

(a) Combining prior art elements according to known methods to yield predictable results;

(b) Simple substitution of one known element for another to obtain predictable results;

(c) Use of known technique to improve similar devices (methods, or products) in the same way;

(d) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

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