UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

RIOT GAMES, INC., and
VALVE CORP.,
Petitioners,

v.

PALTALK HOLDINGS, INC.,
Patent Owner.

_____

Case No. IPR2018-00129, -130, -131, -132[1]
U.S. Patent No. 5,822,523 & 5,822,523 C1
U.S. Patent No. 6,226,686 & 6,226,686 C1

_____

REPLY DECLARATION OF DR. STEVE R. WHITE
REGARDING U.S. PATENT NOS. 5,822,523 AND 6,226,686

_____

[1] Case IPR2018-01238, -1241, -1242, and -1243 have been joined with these

proceeding.

I do hereby declare and state, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, under Section 1001 of Title 18 of the United States Code.

Dated: <u>November 21, 2018</u>

_____
Dr. Steve R. White

TABLE OF CONTENTS

I.   Introduction

1.   I, Dr. Steve R. White, make this declaration. All statements herein made of my own knowledge are true, and all statements herein made based on information and belief are believed to be true. I am over 21 and otherwise competent to make this declaration. Although I am being compensated for my time in preparing this declaration, the opinions herein are my own.

2.   I have been retained by counsel for Petitioner as an expert witness in the above-captioned proceedings. I previously submitted a declaration (Ex.1007) and had my deposition taken in connection with these proceedings. My original declaration describes my background and qualifications, my understanding of the legal standards for patentability, my description of the state of the art, my overview of the patents, and my overview of the prior art. I have been asked to further provide my opinion about certain statements and analysis provided by Dr. Kevin C. Almeroth (Ex.2002) regarding the state of the art of the technology described in U.S. Patent Nos. 5,822,523 ("'523 Patent") (Ex.1001) and 6,226,686 ("'686 patent") (Ex.1002) and on the patentability of these patents.

II.   Analysis

3.   In addition to the documents I considered in forming my opinion in my original declaration, I have also reviewed and considered the following in preparation of this declaration, as well as any other cited reference or document in

this declaration: Declaration of Dr. Kevin Almeroth (Ex.2002); CV of Kevin C.

Almeroth (Ex.2003); Transmission Control Protocol, RFC 793 (Ex.1051); Excerpts

of the Declaration of Kevin Almeroth, Ph.D. from IPR2017-01391 (Ex.1056), and

Excerpts of the Declaration of Kevin C. Almeroth, Ph.D. from IPR2017-00769

(Ex.1058). I offer the following analysis in response to Dr. Almeroth's opinions

regarding the '523 and '686 patents.

A.   Skilled Artisan's Understanding of "Aggregated Payload" and "Aggregated Message"

4.   I understand that Dr. Almeroth has offered an opinion as to whether

and how an Ordinary Artisan would understand the terms "aggregated payload"

and "aggregated message." Ex.2002 (Almeroth Decl.), ¶40. Specifically, I

understand that Dr. Almeroth stated:

> With respect to the term "aggregated payload," and the closely related
> term "aggregated message," I am not aware of a commonly
> understood meaning for the term "aggregated payload" at the time of
> filing of the '523 and '686 Patents, and I was not personally aware of
> specific and understood meanings of the terms in the industry in 1996.
> While a POSITA could make an educated guess as to what could
> make up an "aggregated payload" or an "aggregated message," a
> POSITA would have had to turn to the specific disclosure of the '523
> and '686 Patents to determine the exact meaning and composition of
> an "aggregated payload" and an "aggregated message," as defined by
> the inventors of the '523 and '686 Patent.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

fastcase®
Smarter legal research.