

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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

v.

PALTALK HOLDINGS, INC.,  
Patent Owner.

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Case No. IPR2018-00129, -130, -131, -132<sup>1</sup>  
U.S. Patent No. 5,822,523 & 5,822,523 C1  
U.S. Patent No. 6,226,686 & 6,226,686 C1

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

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<sup>1</sup> Case IPR2018-01238, -1241, -1242, and -1243 have been joined with these proceeding.

Petitioner Riot Games – Ex. 1053 – Cover

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: November 21, 2018



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Dr. Steve R. White

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## **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.

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