IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of Kahn, *et al*.	§	Petition for *Inter Partes* Review
	§	
U.S. Patent No. 8,872,646	§	Attorney Docket No.: 52959.48
	§	
	§	Customer No.: 27683
Issued: October 28, 2014	§	
	§	Real Party in Interest: Apple Inc.
	§	
Title: Method and System for Waking a Device Due to Motion	§	
	§	
	§	
	§	

Declaration of Joseph A. Paradiso, PhD under 37 C.F.R. § 1.68

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I. INTRODUCTION

1. I am making this declaration at the request of Apple Inc. in the matter of the *Inter Partes* Review of U.S. Patent No. 8,872,646 ("the '646 patent") to Kahn, *et al*.

2. I am being compensated for my work in this matter at the rate of $500/hour. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this investigation. My compensation is not contingent on the outcome of this matter or the specifics of my testimony.

3. I have been asked to provide my opinions regarding whether claims 1, 3, 5-11, 13-18, and 20 of the '646 patent are unpatentable, either because they are anticipated or would have been obvious to a person having ordinary skill in the art ("POSITA") at the time of the alleged invention, in light of the prior art. It is my opinion that all of the limitations of claims 1, 3, 5-11, 13-18, and 20 would have been obvious to a POSITA.

4. In the preparation of this declaration, I have studied:

a) The '646 patent, Exhibit 1001 (APPL-1001);

b) The prosecution history of the '646 patent, Exhibit 1002 APPL-1002);

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c) U.S. Patent No. 7,409,291 to Pasolini *et al.* ("Pasolini"), Exhibit 1003 (APPL-1003).

d) *Using the LIS3L02AQ Accelerometer*, Ron Goldman, Sun Microsystems Inc. Dated February 23, 2007. ("Goldman"), Exhibit 1004 (APPL-1004);

e) U.S. Patent No. 7,204,123 to McMahan *et al*. ("McMahan"), Exhibit 1005 (APPL-1005);

f) U.S. Patent Publication No. 2006/0161377 to Rakkola *et al*. ("Rakkola"), Exhibit 1006 (APPL-1006);

g) *Using Gravity to Estimate Accelerometer Orientation*," David Mizell, Proceedings of the Seventh IEEE International Symposium on Wearable Computers (ISWC '03) 2003. ("Mizell"), Exhibit 1007 (APPL-1007);

h) *Dictionary of Scientific and Technical Terms,* McGraw-Hill ("McGraw-Hill"), 1994, Exhibit 1009 (APPL-1009);

i) *Merriam-Webster's Collegiate Dictionary, 10th Ed.*, Merriam-Webster, Inc., 2002, Exhibit 1013 (APPL-1013);

j) U.S. Patent No. 7,028,220 to Park et al. ("Park"), Exhibit 1014 (APPL-1014).

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