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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNILOC USA, INC., et al.,
Plaintiffs,
v.
APPLE INC.,
Defendant.

Case No. 3:18-cv-00365-WHA

**DECLARATION OF THERESA
LANOWITZ**

JUDGE: Hon. William Alsup

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DECLARATION OF THERESA LANOWITZ

I, Theresa Lanowitz, hereby declare:

1. I am the founder and CEO of voke, an industry analyst firm. As an industry analyst, I provide research, advisory, and speaking services on the topic of the software lifecycle with a specific focus on software quality. I have spoken on the topic of the software lifecycle and software quality at conferences around the world. I have also authored research and a book on this topic.

2. I am over 18 years of age and competent to make this declaration. If I were called to testify in this case, I could and would testify truthfully to each of the statements in this declaration. These statements are based on my personal knowledge of Sun's Jini technology and of Sun's public announcements and demonstrations regarding the technology.

3. I have a Bachelor's Degree in Computer Science from the University of Pittsburgh. I have about 35 years of experience in the software development industry. I started my career at McDonnell Douglas in 1983. At McDonnell Douglas, I wrote loading models for loading people, supplies, and cargo on the C-17 military cargo plane to transport them to and from areas of potential conflict.

4. I joined Sun Microsystems in December 1997 as the Marketing Strategist for Jini, and I served in that position until July 1999. I was brought in by Sun because of my experience selling and marketing "shrinkwrap" software, as opposed to the servers that Sun typically sold at the time. I worked only on Jini during my time at Sun.

5. Throughout 1998 and into the beginning of 1999, Sun held numerous demonstrations of its Jini technology and gave several presentations to companies and press in the industry about how Jini operates and the various ways Jini could allow different devices to access and control services over a network. I personally worked on, participated in, and attended several of these demonstrations and presentations.

6. My statements regarding the design, capabilities, operation, and uses of Jini describe the technology as it was publicly described and used in demonstrations prior to January 25, 1999.

Jini Overview

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7. Jini was a distributed networking technology that enabled devices of all different hardware types, operating systems, and capabilities to communicate with one another. In many respects, Jini technology was a precursor to the “Internet of Things” concept of having devices of all kinds—from toasters to servers—capable of communicating with one another. Sun envisioned Jini as an “ingredient brand” that could be sold to any number of product manufacturers and embedded in any number of appliances and computing devices.

8. Jini was a “skunk works” project that grew out of Sun’s earlier development of the Java programming language. Bill Joy, Sun’s co-founder, led the project starting in the mid-1990s.

9. In July 1998, Sun publicly announced Jini technology. Over the six months that followed, Sun publicly released specification documents, source code, and white papers that provided more information about the design and potential uses of Jini.

10. As a distributed computing technology, Jini was substantially different than traditional operating environments. In the traditional environment, all of the computer’s resources are located on the computer itself and accessed through its operating system. Jini discards that model by taking these resources—processing, memory, display, etc.—and distributing them across a network. This allows smaller, more portable devices with limited resources to perform the same tasks as their bulkier desktop brethren by accessing resources on the network.

11. Fundamental to Jini’s design was its compatibility with virtually any hardware, any software, and any network setup. Jini’s kernel was very small, comprising only 48Kb of code. Because it was shrunken down by design, Jini could run on just about any device with a microprocessor. At Sun, we were fond of saying that anything with a “digital heartbeat” could work with Jini so long as it had a way to connect to a network. Similarly, Jini was platform-independent because it used the Java object-oriented programming language. Even if two devices used completely different operating systems, Jini allowed them to communicate. Also, Jini did not require any particular network setup and could operate with both large, company-wide infrastructures and with simple, peer-to-peer arrangements.

1 12. At a high level, Jini would work as follows. A device would connect to a network,
2 announce its presence, and locate services provided by other devices on the network. These services
3 would be accessible using a lookup service, which provided access to a registry or directory of the
4 services available on the network. The device could select a particular service, such as a display
5 service, which would cause code for accessing that service, such as a user interface for controlling
6 the display, to be downloaded onto the device. The device could then use the code it downloaded to
7 send requests to the service, such as causing the display service to show a particular image.

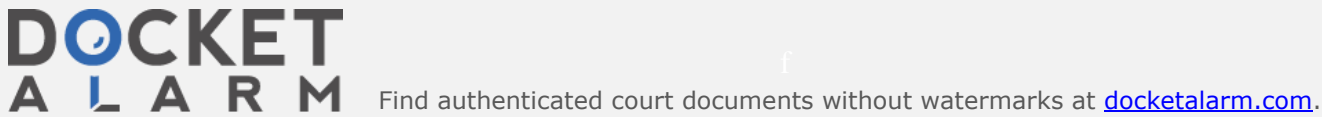
8 ***The Many Possibilities of Jini Technology***

9 13. As Marketing Strategist for Jini, I had responsibility for creating and presenting use
10 cases for Jini to showcase the technology to potential commercial partners and to the public.

11 14. One of the biggest selling points of Jini was the ability to connect to a network
12 virtually any type of device, such a personal digital assistant, a digital camera, or a mobile phone,
13 and thereby access and control a variety of services on that network. These services could include
14 printing, storage, and the execution of processing-intensive applications typically executed by
15 desktop computers or supercomputers.

16 15. The fundamental idea that Jini could be used to allow a handheld device with limited
17 processing power to control programs that required more computing power was well known in
18 1998, both internally at Sun and in the public. In fact, not only was it well-known that Jini could be
19 used in this fashion, it was also common knowledge that Jini was particularly well-suited to
20 implement this concept.

21 16. At Sun, we brainstormed countless use cases for Jini’s distributed networking
22 architecture. We had envisioned Jini as a form of a “personal area network” that you could carry
23 with you in a handheld or portable device. Although the device itself had limited capabilities, the
24 personal area network infrastructure provided by Jini would allow that device to locate services in
25 its vicinity and extend the capabilities of the device, allowing it to have tasks performed that the
26 handheld device was not capable of performing itself. We also conceived of using Jini in the home
27 to connect a laptop to a network that included home audio and video equipment, such as a
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