

# EXHIBIT B

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ATTORNEYS FOR THE PLAINTIFFS

**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 WILLIAM C.  
EASTTOM II IN REFERENCE TO  
PLAINTIFFS' OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

DATE: September 27, 2018

TIME: 8:00 a.m.

PLACE: Courtroom 12, 19th Floor

JUDGE: Hon. William Alsup

1. I, William C. Easttom II (Chuck Easttom), declare as follows:

2. I am a computer science expert retained by Uniloc in this matter. I have been asked by Uniloc to review technical materials, including patents and source code, to test certain Apple devices, and to provide my observations and opinions, which are set forth below and in the attached Exhibits.

3. I have been working professionally in the computer science industry for over 25 years. I have extensive experience with programming in a wide range of languages, including programming of apps for mobile devices. I have both developed mobile phone apps and taught mobile phone app programming for both iOS and Android. I also have extensive experience with mobile device forensics. I am the author of 26 computer science books, approximately 50 research articles, and an inventor of 14 computer science related patents. I have been a speaker at over 50 computer science related venues including being an invited speaker, keynote speaker, and/or chairing sessions.

4. I am also a member of the IEEE Systems and Software Engineering Standards Committee, as well as a Distinguished Speaker of the Association of Computing Machinery (ACM). During the late 1990's I was working as a software engineer developing telecommunications software. I have direct experience with the technology used in the timeframe of the patent in suit. Further details regarding my qualification can be found in my complete curriculum vitae, which I have attached to this declaration, as Exhibit A.

5. I have inspected source code produced for inspection by Apple in this action, and in other actions brought by Uniloc against Apple. I have conducted direct experiments using a variety of Apple products including the iPhone, iPad/iPod touch, and Apple Watch. The details of those experiments are provided in Exhibit B to this declaration. I have also conducted direct analysis of the HDMI to lightning adapters. The details of that analysis are in Exhibit C to this declaration. Furthermore, I have examined the Pebbles product, and the details of that analysis are in Exhibit D.

6. I have reviewed United States Patent No 6,216,158 (the '158 patent), the application for which was filed January 25, 1999. I have reviewed Apple's Opposition to Uniloc's Motion for Summary Judgment of Infringement of Claim 9 of U.S. Patent No. 6,216,158 and Apple's Cross-

Motion for Summary Judgment of Non-Infringement, Invalidity, and Unpatentability, along with the Exhibits to Apple's brief. I have also reviewed the deposition transcripts for the depositions of Dr. Myers, Apple's expert, and two Apple witnesses: Theresa Lanowitz and Aurie Bendahan. As I explain in this declaration, it is my opinion that Apple has failed to show that claim 9 of U.S. Patent No. 6,216,158 ("the '158 Patent") is not infringed or is invalid.

## **I. RESPONSE TO APPLE'S CLAIMS**

7. In this section I provide my response to Apple's claims via their counsel and their expert witness(s).

8. Apple has alleged that "Claim 9 of the '158 Patent is invalid under 35 U.S.C. §§ 102(a), 102(g), and/or 103 as anticipated by, or obvious over, the "Pebbles Project" and/or "Jini" prior art;" Claim 9 of the '158 patent is dependent upon claim 8, and both claims are provided below:

8. A method of controlling a program on a network device from a palm sized computer, the computer is not capable of executing the program by itself, the network device and computer being coupled in communications via a network, the method comprising:  
accessing a directory of services, a service in the directory of services corresponding to the program, the description of the service including at least a reference to program code for controlling the service;  
loading the program code;  
issuing control commands to the network device using the program code, the control commands causing the network device to control the program.

9. The method of claim 8, wherein loading the program code includes loading the program code onto the palm sized computer and the issuing the control commands includes the palm sized computer issuing the control commands.

### **Pebbles**

9. Pebbles is an experimental device created by Dr. Myers, Apple's expert. I have reviewed Dr. Myers' testimony regarding Pebbles, including his deposition transcript, the documents describing Pebbles cited by Apple, as well as inspected a device produced by Apple, which I understand to be a version of Pebbles. In my opinion, as I explain in further detail below,

the information that I reviewed about Pebbles does not teach each and every feature of Claim 9 of the '158 patent.

10. The first issue is Claim 8 requires a method of controlling a program on a network device. There are two significant problems with the Pebbles product in relation this claim element.

11. The first problem with Pebbles is that it doesn't include the "on a network" clause. While I understand that Apple has claimed that Pebbles operates on a network, my experimentation with the product did not validate this claim. Those experiments are detailed in exhibit D. In fact, the latest version of Pebbles that I was provided with, Pebbles v2, did have a choice to select a network, but when I selected that choice, absolutely nothing happened. There was no network communication, attempt to communicate over a network, nor prompt to choose a network.

12. On paragraph 88 of his declaration, Dr. Myers claimed that serial connections are networks. "The Pebbles system used a serial connection between the PC and at least one PalmPilot. In our lab, we tested up to four PalmPilots simultaneously using a serial hub that allowed the four PalmPilots to be networked to the PC."

13. The first problem with this claim is that Dr. Myers' own Pebbles website does not consider serial communications to be networks. This is shown in the following screenshot from <http://www.cs.cmu.edu/~pebbles/v5/overview/software.html>:

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