UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC LUXEMBOURG, S.A.,
Patent Owner.

Case IPR2018-00394
Patent 6,622,018 B1

SUPPLEMENTAL DECLARATION OF HENRY HOUH, PH.D.
UNDER 37 C.F.R. § 1.68

Table of Contents

A. Introduction

I, Henry H. Houh, Ph.D., declare:

1. I am making this supplemental declaration at the request of Apple Inc. in the matter of the *Inter Partes* Review of U.S. Patent No. 6,622,018 ("the '018 Patent") to Erekson.

2. I am being compensated for my work in this matter. My compensation in no way depends upon the outcome of this proceeding.

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

(1) **Exhibit APPL-1001** through **Exhibit APPL-1026** of this proceeding;

(2) Mr. Easttom's declaration, **Exhibit Ex. 2001**;

(3) U.S. Patent No. 6,097,301, **Exhibit APPL-1032**;

(4) U.S. Patent No. 6,714,133, **Exhibit APPL-1033**;

(5) U.S. Patent No. 5,493,694, **Exhibit APPL-1034**; and

(6) U.S. Patent No. 6,313,783, **Exhibit APPL-1035**.

B. The context of an "interrogation" message needs to be examined to determine if the message is broadcast or unicast

4. I note that Mr. Easttom cites to several dictionary definitions of "interrogation" in his declaration. These dictionary definitions state that "interrogation" is:

- Oxford Dictionary of Computer Science: "[t]he sending of a signal that will initiate a response;"
- Merriam-Webster: "to give or send out a signal to (a device, such as a transponder) for triggering an appropriate response;" and
- Oxford's Learners Dictionary: "to obtain information from a computer or other machine." Ex. 2001, ¶¶ 46-48.

5. I understand from counsel that these dictionary definitions in Mr. Easttom's declaration have not been filed in this proceeding. I also note that Mr. Easttom did not indicate the dates that the dictionaries containing these definitions were published. As such, I don't know whether they were published before or after the filing date of the '018 Patent, which I understand is April 24, 2000. Even though I can't tell what year the definitions are from, I do generally agree that interrogation generally means to initiate a response, and that this is the general understanding a person of ordinary skill in the art would have had in April 2000. I note that none of these definitions specify *how* an interrogation signal is transmitted, for example via a broadcast transmission or a unicast transmission. (By unicast, I mean transmitted to a single recipient.) These definitions only characterize the purpose of the interrogation, which is to initiate a response.

6. Even though I agree that interrogation generally means to initiate a

response, I disagree with paragraph 49 of Mr. Easttom's declaration, which states that the "plain and ordinary definition of interrogate (in relation to computer science) is to communicate with an individual machine, one at a time." Ex. 2001, ¶ 49.

7. It is my opinion that a POSITA at the time of the '018 Patent would not have understood the terms "interrogate" and "interrogation" to require communication with an individual machine, one at a time (*i.e.*, unicast communication). An "interrogation" message is not limited to any particular type of transmission method (broadcast, unicast, *etc.*) or number of recipients. In other words, when a POSITA read the term "interrogation" in association with a message, he or she would not have known whether the message is a unicast or broadcast message without looking at the surrounding context. I base this opinion on the way the terms "interrogation" and "interrogate" were used by POSITAs in computer science literature around the time of the '018 Patent. Specifically, POSITAs were using the terms to describe broadcast messages intended for multiple recipients. I've provided a few examples below.

8. U.S. Patent No. 6,097,301 describes the detection of RFID tags on pieces of luggage. It teaches an RFID interrogator that broadcasts an interrogation message to a plurality of RFID tags that individually reply:

> The present invention is a method of adjusting the 2-way

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.