

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG Electronics, Inc., LG Electronics U.S.A., Inc., LG Electronics Mobilecomm
U.S.A. Inc., LG Electronics Mobile
Research U.S.A. LLC, And LG Electronics Alabama, Inc.,
Petitioners,

v.

Fundamental Innovation Systems International LLC,
Patent Owner.

Case IPR2018-00493
Patent No. 7,834,586

**DECLARATION OF DR. KENNETH FERNALD IN SUPPORT OF
PATENT OWNER'S PRELIMINARY RESPONSE**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
II. USB 2.0	6
A. USB Enumeration	7
III. THE ROLE OF THE SE1 SIGNAL	15
A. SE1 Disables USB Communications	16
1. Samsung Expert's Testimony.....	17
2. The Panel Decision In IPR2018-00111	19
B. Use Of SE1 In Cited References.....	20
IV. ANALOGOUS ART	26
A. Shiga Is Not Analogous Art	27
B. Kalogeropoulos Is Not Analogous Art	27
V. DOUGHERTY AND SHIGA DO NOT RENDER THE CLAIMS OBVIOUS	29
A. Petitioner's Combination Does Not Render Obvious "Having An Identification Signal Being Different Than USB Enumeration" (Claims 8-9)	29
B. Petitioner's Combination Does Not Render Obvious "A Microprocessor And Memory To Process The Signals Received On The USB Interface Lines (Claims 11-12)	31
C. It Would Not Be Obvious To Combine Shiga With Dougherty And The Other References.	33
1. There Would Have Been No Reasonable Expectation That Using A SE1 Signal On USB Data Lines Would Succeed.....	33

	<u>Page</u>
2. Enumeration Can Be Used For Identification Of Non-Standard Power Sources	37
3. Petitioner Ignores Alternative Means Of Identification	40
4. Petitioner's Proposal Does Not Account For Unintentionally-Generated SE1 Signals.....	43
5. Petitioner's Modification Would Not Function In Dougherty's "Dead Battery" Scenario	45

I. INTRODUCTION

1. My name is Kenneth Fernald, Ph.D. My qualifications are summarized below and are addressed more fully in my CV attached as EXHIBIT A.

2. For 30-years I have been involved in the design of integrated circuits. A large portion of my work has involved the design of integrated circuits that involve power management, battery charging and USB control. I have designed USB controllers that have sold in the hundreds of millions of units, and I was intimately involved in this field during the time of the patents at issue in this case.

3. I earned my Bachelor of Science and Master of Science degrees in Electrical Engineering from North Carolina State University (NCSU) in 1985 and 1987. During this period I worked for the Space Electronics Group developing software for predicting the effects of radiation environments on integrated circuits. I also consulted for the Naval Research Laboratory (NRL). My services to NRL included the design of dosimetry instrumentation and the execution of radiation studies on electronic devices at various facilities around the United States. I joined NASA Langley Research Center in 1987 where I designed motor control instruments and firmware for ground and space station experiments.

4. I returned to NCSU in 1988 to earn my Ph.D. in Electrical Engineering. My doctoral research efforts were funded by the National Science Foundation and focused on the development of medical systems utilizing wireless digital telemetry. My work included a thorough investigation of medical telemetry technology and design of a microprocessor-based system for the fast prototyping of implantable medical instruments. I also completed the design and testing of various components of this system, including a bidirectional digital telemetry integrated circuit (IC) and a general-purpose sensor interface and conversion IC. I completed my Ph.D. in 1992, after which I joined Intermedics Inc. in Angleton, Texas.

5. My responsibilities at Intermedics included system and circuit design of telemetry, signal-processing, and control ICs for medical devices. Examples include the design of a sensor acquisition, compression, and storage IC for implantable pacemakers and defibrillators. I also worked on advanced wireless digital telemetry technology, control ICs for therapy delivery in defibrillators, and software development for sensor waveform compression and recovery. I left Intermedics in 1998 to join Analog Devices Inc. in Greensboro, NC.

6. My work at Analog Devices included the design of advanced ICs for wireless digital communication devices. Specific projects included the

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.