

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. AND
TELEFONAKTIEBOLAGET LM ERICSSON
Petitioners

v.

INTELLECTUAL VENTURES I LLC
Patent Owner

Case No. IPR2018-00727
Patent No. 6,628,629

Title: RESERVATION BASED PRIORITIZATION METHOD FOR WIRELESS
TRANSMISSION OF LATENCY AND JITTER SENSITIVE IP-FLOWS IN A
WIRELESS POINT TO MULTI-POINT TRANSMISSION SYSTEM

**SECOND DECLARATION OF DR. ZYGMUNT HAAS IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,628,629**

TABLE OF CONTENTS

| | Page |
|--|------|
| I. ATM is a packet-switched technology | 2 |
| A. A POSITA would have understood ATM to be a packet-switched technology under the ordinary meaning of that term..... | 2 |
| B. Background on Packet-Switching and Virtual Circuit Techniques Used By ATM..... | 5 |
| C. The ‘629 Patent confirms that ATM uses packets. | 10 |
| 1. ATM Cells Are Expressly Described As Packets..... | 10 |
| 2. ATM Cells are Packets Under Any of the Constructions Proposed in the Prior IPR. | 12 |
| 3. None of the citations by the POR or by Dr. Heidari support a contrary conclusion. | 16 |
| D. The Claimed “Data Packets” Should Not be Construed to Require a Packet-Switched Network | 18 |
| 1. “Data Packets” Comprise Units Of Data That Are Segmented as Necessary for Wireless Transmission..... | 18 |
| 2. To the extent that PO’s proposed construction excludes IP over ATM, PO’s Proposed Construction Excludes Preferred Embodiments. | 23 |
| II. MOTIVATION TO COMBINE..... | 27 |
| III. Dyson was publically available | 31 |
| IV. Conclusion | 32 |

Declaration of Zygmunt Haas

I, Zygmunt Haas, declare as follows:

1. I make this declaration based on my own personal knowledge and, if called upon to testify, would testify competently to the matters contained herein.

2. I have been asked to provide technical assistance in the *inter partes* review of U.S. Patent No. 6,628,629 (“the ’629 Patent”) (IPR2018-00727).

3. I prepared a declaration dated March 1, 2018 in connection with this matter containing a statement of my opinions on issues related to the unpatentability of claims 1-4 of the ’629 Patent. Since I signed that declaration, I have reviewed the following documents: i) Patent Owner’s Preliminary Response, ii) the Board’s Decision regarding Institution of *Inter Partes* Review, iii) Patent Owner’s Response, iv) the Declaration of Dr. Ghobad Heidari in Support of the Patent Owner’s Response, and v) the transcript of the Deposition of Dr. Heidari taken April 3, 2019 in Chicago, Illinois (Ex. 1029).¹ I also cite additional exhibits herein in support of this supplemental declaration including, Ex. 1031 (Microsoft Press Computer

¹ I have also reviewed the Final Written Decision from IPR2017-00527 (the ’527 IPR, which PO relies on for its proposed construction of the term “packet.” Ex. 1030.

Dictionary), Ex. 1032 (Focal Dictionary), Ex. 1033 (Webster's Dictionary), and Ex. 1034 (Computer Desktop Encyclopedia).

4. I have been asked to address several of the contentions raised by Patent Owner and Dr. Heidari in connection with Patent Owner's Response, including certain issues related to a) whether ATM as described by the '629 Patent, Dyson (Ex. 1004), and Raychaudhuri (Ex. 1005) meets Patent Owner's proposed claim construction of the term "packet" and b) Patent Owner's motivation to combine argument with respect to the proposed Dyson/Raychaudhuri combination set forth in my March 1, 2018 declaration.

I. ATM IS A PACKET-SWITCHED TECHNOLOGY

A. A POSITA would have understood ATM to be a packet-switched technology under the ordinary meaning of that term.

5. The Patent Owner Response (POR) and the declaration of Dr. Heidari reflect a fundamental misunderstanding of packet-switched technologies, including ATM. *First*, both the POR and Dr. Heidari rely on the factually incorrect premise that ATM did not use packets and was not packet-switched. POR, at 29-34, 40-45; Ex. 2020, ¶¶ 38-53. This is factually simply incorrect. Indeed, the fact that ATM uses packets (typically referred to as "ATM cells") and that ATM was a packet-switched technology is confirmed by abundant of references that existed before the priority date of the '629 patent and until today. ATM was, *by definition*, a well-

known packet-switching technology prior to the claimed priority date of the '629 Patent; for example:

Asynchronous Transfer Mode (ATM): A *packet switching* communications standard that uses *packets* of fixed length called *ATM cells*. These cells are routed through the *network* by reference to *address* information rather than by their position in a *frame*. Operation is *connection mode* by setting up *virtual channels*. ATM is able to carry a mix of traffic types: *voice, data, and video*.

Ex. 1032 (Focal Illustrated Dictionary 33 (1999)) (emphasis in original); *see also* Ex. 1019, at 4 (“**ATM packet-switching techniques.** ATM is a high-speed packet-switching technique using short fixed-length packets called cells.” (emphasis in original)). These definitions are consistent with the understanding a POSITA would have had at the time of the '629 patent. *See, e.g.*, Ex. 1031 (Microsoft Press Computer Dictionary (3rd Ed. 1997) (in defining “ATM,” stating that “[d]ata, including frame relay data, is broken into *packets* containing 53 bytes each, which are *switched* between any two nodes in the system . . .”) (emphasis added).

6. The POR and Dr. Heidari appear to have relied solely on the descriptions of prior art ATM that are contained within the '629 Patent. *See, e.g.*, Ex. 1029 (Heidari Tr.) at 117:7-118:15 (“So in my view, a POSITA would question the use of the word ‘cell’ and would research the context in which it should be used, and depending on the context, will apply the word ‘cell’ or generalize to mean something different. *But I didn’t go through that exercise in this particular IPR.*”)

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