UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUAWEI DEVICE CO., LTD.,
Petitioner

v.

OPTIS CELLULAR TECHNOLOGY, LLC,

Patent Owner

Case No. To Be Assigned
Patent No. 8,102,833

DECLARATION OF XIAOAN FAN IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,102,833: CLAIMS 1-14

I. Introduction

1. My name is Xiaoan (Elean) Fan. I am the 3GPP Radio Access Network (RAN) coordinator and a principal engineer at Huawei Technologies Co., Ltd. ("Huawei"). I have been employed by Huawei since 2005.

2. The Third Generation Partnership Project ("3GPP") is an organization consisting of seven telecommunications standard development groups—The Association of Radio Industries and Businesses, Japan (ARIB), The Alliance for Telecommunications Industry Solutions, USA (ATIS), China Communications Standards Association (CCSA), The European Telecommunications Standards Institute (ETSI), Telecommunications Standards Development Society, India (TSDSI), Telecommunications Technology Association, Korea (TTA), and Telecommunication Technology Committee, Japan (TTC), which are also known as "Organizational Partners". Members of 3GPP develop complete network system specifications by exchanging information regarding cellular telecommunications network technologies, including radio access, non-radio access, the core transport network, Wi-Fi integration, and service capabilities—such as codecs, security, quality of service. 3GPP's specifications and studies are driven by contributions by member companies. The 3GPP technologies from these groups are constantly evolving through generations of commercial cellular/mobile

systems (such as the Universal Mobile Telecommunications System (UMTS) Wideband Code Division Multiple Access (WCDMA)).

3. For more than 10 years, since May 2007, I have served as one of Huawei's delegates to 3GPP in one of the 3GPP's Specification Groups—Radio Access Network Working Group 1 ("RAN WG1"). Since September 2015, I have also served as one of Huawei's delegates to the 3GPP in another specification group—Technical Specification Group Radio Access Network (TSG RAN) Plenary group. Additionally, I served as the "Rapporteur" (i.e. primary contact) for the study items and work items of *Small Cell Enhancements for E-UTRA and U-UTRAN - Physical Layer Aspects* in 3GPP, and I was the editor of the associated Technical Report TR36.872. I am also a vice leader of IMT-2020 (5G) Promotion Group.

4. During my time as a delegate to each Specification Group, I have regularly attended the meetings for the group. Since May 2007, I have attended most of the RAN WG1 meetings. In total, I have attended approximately 63 meetings for RAN WG1. I have also attended all of the TSG RAN Plenary meetings since September 2015.

5. As a delegate to RAN WG1, I have been subscribed to RAN WG1's e-mail reflector list "3GPP_TSG_RAN_WG1@LIST.ETSI.ORG" since 2007. I have been active in RAN WG1, and over the past decade I have sent hundreds of e-mail messages to RAN WG1's e-mail reflector list and received tens of thousands of e-

mail messages from the RAN WG1's e-mail reflector list. I have also been subscribed to the "3GPP_TSG_RAN_WG@LIST.ETSI.ORG" e-mail reflector list and the "3GPP_TSG_RAN_DRAFTS@LIST.ETSI.ORG" e-mail reflector list since around 2011.

6. In general, before a RAN WG1 meeting, I exchanged e-mail messages with delegates of other companies through RAN WG1's e-mail reflector list to provide and receive technical documents, called contributions, for discussion at the meeting. Some of those e-mail messages provided the technical documents as e-mail attachments. Right after the e-mail messages are received by the 3GPP email reflector server, they become available publicly at http://list.etsi.org/scripts/wa.exe?A0=3gpp_tsg_ran_wg1&D=0&H=0&O=T&T=0. Since 2015, 3GPP has developed a 3GU portal for contribution submission and delegates started to use the portal before each meeting for contribution submission.

7. The documents submitted to RAN WG1 are also uploaded to and available for download at 3GPP's publicly available FTP server at http://www.3gpp.org/ftp/tsg_ran/WG1_RL1/. Some contributions were discussed at the RAN WG1 meetings, and all contributions submitted for the meeting were available electronically to any meeting attendee at a local server via a local WiFi network setup at the location where the meeting took place.

8. As a delegate for RAN WG1, I have sent e-mail messages to RAN WG1's reflector many times, submitting hundreds of technical documents on Huawei's behalf for discussion at the meetings.

9. In my 11 years as a delegate for RAN WG1, I have also regularly accessed 3GPP's website, including the location on 3GPP's website storing technical documents submitted to RAN WG1. That location is available at http://www.3gpp.org/ftp/tsg_ran/WG1_RL1/, which I refer to in this Declaration as "RAN WG1's public FTP directory." Since 2007, I have accessed RAN WG1's public FTP directory in many ways. For example, I could enter the uniform resource identifier of RAN WG1's public FTP directory into an Internet browser. Alternatively, I could access 3GPP's homepage http://www.3gpp.org and then navigate to the FTP folder for RAN WG1's public FTP directory. Regardless of which method I used to access RAN WG1's public FTP directory, I have never encountered a password requirement or any other restriction that would prevent me or a member of the general public from accessing RAN WG1's public FTP directory.

II. Materials Considered

10. In preparing this Declaration, I have reviewed and relied upon the following list of materials:

Exhibit No.	Description

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.