UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

UNIVERSAL SECURE REGISTRY, LLC,

Patent Owner.

Case IPR2018-00809

U.S. Patent No. 9,530,137

DECLARATION OF DR. VICTOR SHOUP IN SUPPORT OF PETITIONER'S OPPOSITION TO PATENT OWNER'S CONDITIONAL MOTION TO AMEND

Apple 1129

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I, Victor Shoup, Ph.D., declare as follows:

I. INTRODUCTION

1. I have been retained by Apple to provide opinions in this proceeding relating to Universal Secure Registry's ("USR" or "Patent Owner") Conditional Motion to Amend ("CMTA") the claims of U.S. Patent No. 9,530,137 ("'137 patent"). I previously prepared and submitted a Declaration in support of the Petition in this proceeding, dated April 4, 2018.

2. Since preparing my previous Declaration, I have reviewed the following additional materials in connection with this Supplemental Declaration:

- USR's Patent Owner's Preliminary Response ("POPR")
- Dr. Jakobsson's declaration submitted in Support of USR's POPR (Ex. 2001)
- The Board's Decision on Institution ("DOI")
- USR's Patent Owner Response ("POR")
- Dr. Jakobsson's Declaration in support of USR's POR (Ex. 2010)
- USR's CMTA
- Dr. Jakobsson's Declaration in support of USR's CMTA (Ex. 2014)
- The transcript of Dr. Jakobsson's March 20, 2019 deposition (Ex. 1127)
- Declaration of Dr. Juels (Ex. 1130)
- USR's CMTA for IPR2018-00812

3. My background and qualifications are summarized in Section I of my previous Declaration and my curriculum vitae, which was attached thereto as Appendix A.

4. I am being compensated at my normal consulting rate for my work. My compensation is not dependent on the outcome of this IPR proceeding or the related litigation, and does not affect the substance of my statements in this Supplemental Declaration.

5. I have no financial interest in Petitioner. I have no financial interest in the '137 patent.

II. LEGAL PRINCIPLES

6. I am not an attorney. For purposes of this Supplemental Declaration, I have been informed about certain aspects of the law that are relevant to my analysis and opinions.

A. Claim Construction

7. I have been informed that claim construction is a matter of law and that the final claim construction will be determined by the Board.

8. I have been informed that the claim terms in an IPR review should be given their broadest reasonable construction in light of the specification as commonly understood by a person of ordinary skill in the art ("POSITA"). I have applied this standard in my analysis.

B. Obviousness

9. I have been informed and understand that a patent claim can be considered to have been obvious to a POSITA at the time the application was filed. I understand that this means that, even if all the requirements of a claim are not found in a single prior art reference, the claim is not patentable if the differences between the subject matter in the prior art and the subject matter in the claim would have been obvious to a POSITA at the time the application was filed.

10. I have been informed and understand that a determination of whether a claim would have been obvious should be based upon several factors, including, among others:

- the level of ordinary skill in the art at the time the application was filed;
- the scope and content of the prior art; and
- what differences, if any, existed between the claimed invention and the prior art.

11. I have been informed and understand that the teachings of two or more references may be combined in the same way as disclosed in the claims, if such a combination would have been obvious to a POSITA. In determining whether a combination based on either a single reference or multiple references would have been obvious, it is appropriate to consider, among other factors:

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