

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner.

Case IPR2018-00952
Patent No. 9,253,239

**SECOND DECLARATION OF DR. PEGGY AGOURIS IN SUPPORT OF
BRADIUM TECHNOLOGIES LLC'S PATENT OWNER CONTINGENT
MOTION TO AMEND PURSUANT TO 37 C.F.R. §42.121**

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I. INTRODUCTION

1. I have been retained by counsel for Bradium Technologies LLC (“Bradium” or “Patent Owner”) as an expert consultant in regards to inter partes review proceeding IPR2018-00952 for U.S. Patent No. 9,253,239 (“the ’239 Patent”).

2. I understand that Bradium is seeking to amend claim 20 in the alternative, and, should original claim 20 be invalidated, amended claim 20 and new claim 21 may be considered by the Board.

3. I understand that, for this proceeding, IPR2018-00952, the Board has instituted a review as to claim 20.

4. I understand that the Board has instituted an inter partes review on a on a single ground: whether Claim 20, which depends from Claim 1, is unpatentable as obvious over the combination of Reddy, Hornbacker, and Rosasco.

5. I have been asked to consider whether amended Claim 20 and new claim 21, are indefinite, are supported by the written description and if those claims are patentable as of the date of the invention over the reasons and prior art set forth in Petitioner’s Opposition.

6. For time spent in connection with this case, I am being compensated at my customary rate. My compensation is not dependent upon the outcome of this petition or any issues involved in or related to the ’239 Patent, and I have no other

financial stake in this matter. I have no financial interest in, or affiliation with, any of the real parties in interest or the patent owner.

II. BACKGROUND AND QUALIFICATIONS

7. I previously supplied a summary of my education, work experience in the Declaration of Dr. Peggy Agouris (EX2054). In addition, my curriculum vitae, which provides a detailed summary of my education and work experience is attached to the Declaration of Dr. Peggy Agouris (EX2054) as Appendix A.

III. MATERIALS CONSIDERED

8. The materials I considered include amended claim 20 and new claim 21, the '239 Patent (EX1001), materials incorporated by reference therein, the prosecution history for the '239 Patent (EX1013), the Petition from Unified for *inter partes* review (Paper No. 2) Unified's Motion Opposing amendment (Paper XX, and the first Wilson Declaration in support of the Petition (EX1005) and the second Wilson declaration in Support of Unified's Opposition (EX 1027). I also considered the Board's Institution Decision (Paper No. 31) and U.S. Patent No. 6,496,189 to Yaron et al. ("Yaron") (EX1028). Further, I also considered the materials that I refer to and that I cite in this declaration.

9. In addition, I have drawn on my experience and knowledge, as discussed above and described more fully in my CV, in the areas of image processing, geographic information systems, interactive computer graphics, and

dynamic visualization, among other areas.

10. I understand that Bradium considers the date of invention for the '239 Patent to be October 1999. I understand that Mr. Wilson considered the date of invention to be December 2000 based on the '239 patent's discussion of the technology background. *See* EX1005 ¶5.

11. Counsel for Bradium has asked me to assume that the asserted references, Reddy, Yaron, Hornbacker, and Rosasco, are prior art for the purposes of my analysis. I have further been asked to consider both asserted dates of invention. My analysis would not change based on which of these dates I assume.

IV. PERSON OF ORDINARY SKILL IN THE ART (“POSITA”)

12. The opinions I express herein are given from the point of view of a person of ordinary skill in the art, as described above, at the time of the invention of the '239 Patent (which I will treat as the latter of the two dates for consideration). Even if I do not repeat this explicitly, this is the perspective that I applied in my analysis and in this declaration, unless I indicate otherwise.

13. Petitioner in this proceeding stated that a POSITA would have a Master of Science or equivalent degree in electrical engineering or computer science, or a Bachelor of Science or equivalent degree in electrical engineering or computer science, with at least 5 years of experience in a field related to GIS or the transmission of digital image data over a computer network. Petition at 10-11.

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