

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BMW OF NORTH AMERICA, LLC,

Petitioner

v.

BLITZSAFE TEXAS, LLC

Patent Owner

U.S. Patent No. 7,489,786  
Filing Date: December 11, 2002  
Issue Date: February 10, 2009

Title: AUDIO DEVICE INTEGRATION SYSTEM

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**DECLARATION OF JAMES T. GEIER IN SUPPORT OF PETITION FOR  
*INTER PARTES* REVIEW**

I, James T. Geier, hereby declare and state as follows:

## **I. INTRODUCTION**

### **A. Qualifications**

1. I have been asked to prepare a declaration on behalf of BMW of North America, LLC (“BMWNA” or “Petitioner”) in connection with a petition for inter partes review of U.S. Patent 7,489,786 (EX1001). Specifically, I have been retained as an independent expert consultant by BMWNA to provide my opinions on the technology claimed in, and the patentability or unpatentability of, claims 1, 2, 4-8, 10, 13, 14, 23, 24, 57, 58, 60-65, 86, and 88-91 of U.S. Patent 7,489,786 (“the challenged claims”).

2. Although I am being compensated for the time I spend on this matter, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

3. I have 30 years of experience in the communications industry designing, analyzing and implementing communications systems, wireless networks, and mobile devices.

4. I received a Bachelor’s Degree in Electrical Engineering from California State University in 1985. I received a Master’s Degree in Electrical Engineering from the Air Force Institute of Technology in 1990. I also received an M.B.A. from the University of Phoenix in 2001.

5. From 1986 to 1989, while in the Air Force and assigned to the 1815th Operational Test and Evaluation Squadron, I tested and evaluated wired and wireless communications systems supporting the transport of military data, voice and video information worldwide. For example, this included running tests to validate performance and compatibility of different communications devices, such as secure telephones. During this time, I was also an instructor at the 1815th System Evaluation School, where I developed and taught courses on communications technologies and test methods.

6. From 1990 to 1992, while in the Air Force and assigned to the Information Systems Center, I designed and implemented computer networks for Wright-Patterson Air Force Base. This involved testing some of the first-available routers, switches and controllers in a laboratory environment and then later designing and overseeing the installation of corresponding networks throughout Wright-Patterson Air Force Base for supporting thousands of users.

7. From 1992 to 1994, while employed at Adroit Systems, Inc., I analyzed and evaluated communications technologies for use in Airborne communications platforms, such as aircraft and satellites, to support secure transport of data, voice and video information.

8. From 1994 to 1996, while employed at TASC, Inc., I designed and implemented communication networks for civilian and military applications. For example, I analyzed and designed for the U.S. Department of Defense an audio /

video conferencing system for use by soldiers in battlefields. I also designed a highly secure communications network supporting data, voice and video applications for a U.S. Navy attack submarine.

9. From 1996 to 2000, while employed at Monarch Marking Systems, I designed and developed wireless printers and corresponding networks for customers. This included designing wireless bar code scanners having voice command recognition capabilities. In addition, I designed and implemented wireless middleware that provided an interoperable interface between incompatibility bar code scanners and servers.

10. Since 2000, I have been an independent consultant working under the business name Wireless-Nets, Ltd., where I have been analyzing and designing wireless devices, communications systems and applications. As examples, I have designed and tested voice-over-Wi-Fi user devices and networks, designed and implemented drivers for Bluetooth transceivers, and implemented microcontroller-based audio encoding for operation over ZigBee wireless networks.

11. A copy of my curriculum vitae is attached.

**B. Materials Reviewed**

12. In forming my opinions expressed in this declaration, I have considered, among other things:

Exhibit	Description
1001	U.S. Patent No. 7,489,786 (“the ’786 patent”)

1003	U.S. Patent Publication No. 2005/0262528 A1 (“Herley”)
1004	<i>ID3 Tag Version 2.3.0 Informal Standard</i> , Nilsson, M. originally available at <a href="http://www.id3.org/id3v2.3.0.html">www.id3.org/id3v2.3.0.html</a> , February 3, 1999
1005	European. Patent Application Publication No. EP 0950570 A2 (“Ido”)
1006	U.S. Patent No. 6,394,774
1007	Decision Instituting <i>Inter Partes</i> Review, Case IPR2016-00421, Paper No. 13 (July 7, 2016)
1008	U.S. Publication No. 2002/0196134 (“Lutter”)
1009	Plaintiff’s Proposed Claim Constructions in Case No. 2:17-cv-00430 (E.D. Tex.), served March 14, 2018.
1010	<i>The audio/mpeg Media Type</i> , Network Working Group, available at <a href="https://tools.ietf.org/html/rfc3003">https://tools.ietf.org/html/rfc3003</a> , November 2000 (“IETF”).
1011	File History of the ’786 Patent
1012	Wayback Machine search results for “ <a href="http://www.id3.org/id3v2.3.0.txt">http://www.id3.org/id3v2.3.0.txt</a> ”
1013	Plaintiff’s Infringement Contentions Exhibit A, served September 2017 in <i>Blitzsafe Texas, LLC v. Bayerische Motoren Werke AG et al.</i> , 2:17-cv-00418 (E.D. Tex.)

In forming my opinions, I have also relied on my education and experience.

### C. Relevant Legal Standards

13. I have been asked to consider the ’786 patent and what I have been advised is prior art to the ’786 patent, and to offer my opinions on the effect of that art on the claims of the ’786 patent. In particular, I have been asked to consider whether claims 1, 2, 4-8, 10, 13, 14, 23, 24, 57, 58, 60-65, 86, and 88-91 would have been obvious to a person of ordinary skill in the art as of the effective filing date of the ’786 patent (December 11, 2002). In my opinion, these claims would have been obvious as of that date. In particular, the claims would have been obvious based on

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