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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION
Petitioner

v.

QUALCOMM INCORPORATED
Patent Owner

Case IPR2019-00048
U.S. Patent No. 9,154,356

DECLARATION OF PATRICK FAY, PH.D. IN SUPPORT OF PETITIONER'S REPLY

Intel 1139
Intel v. Qualcomm

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I, Patrick Fay, declare as follows:

I. INTRODUCTION

1. I have been retained by Intel Corporation ("Intel" or "Petitioner") as an independent expert consultant in this proceeding before the United States Patent and Trademark Office. I previously prepared and submitted a Declaration in support of the Petition in this proceeding, dated November 8, 2018 (Ex. 1102).

2. Since preparing my Declaration, I have reviewed Qualcomm's Patent Owner's Preliminary Response ("POPR"), the Board's Decision on Institution ("DOI"), Patent Owner's Response ("POR"), Dr. Foty's declaration submitted in support of the POR (Ex. 2024), and the transcript of Dr. Foty's deposition on November 8, 2019 (Ex. 1140). I have been asked to review and respond to Dr. Foty's opinions, including those reflected in the POR, as well as the Board's Decision on Institution.

3. I am being compensated for my work on this matter, but my opinions are based on my own views of the patented technology and the prior art. My compensation in no way depends on the outcome of this proceeding or the content of my testimony.

4. In preparing this Declaration, I reviewed and considered the specification, claims, and file history of U.S. Patent No. 9,154,356 ("'356 patent") (Ex. 1101). I have been informed the '356 patent has a priority date of August 21,

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2012. I have also reviewed and considered the documents cited by Dr. Foty in his declaration (Ex. 2024). Additionally, I have reviewed the related Reply, which I understand Intel will file at the United States Patent and Trademark Office (USPTO) at the same time as this Declaration is filed at the USPTO.

5. I have also reviewed all of the documents I cite in this declaration.

II. QUALIFICATIONS

6. I describe my qualifications in my first Declaration. Ex. 1102, ¶¶2-9.

III. RELEVANT LAW

7. In my first Declaration, I set forth the applicable principles of patent law that were provided to me by counsel. Ex. 1102, ¶¶15-30. As appropriate, I have continued to apply those principles in providing my opinions in this Declaration. In addition, I understand that the following legal principles apply, as explained to me by Intel's legal counsel.

8. I am not an attorney. For the purposes of this declaration, I have been informed about certain aspects of the law that are relevant to my opinions. My understanding of the law is as follows.

9. I have been informed and understand that the Petitioner in an *inter partes* review Petition may request cancellation of claims as unpatentable only on grounds that such claims are anticipated or would have been obvious to a person of ordinary skill in the art at the time of the purported invention, and only on the basis

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