DOCKET NO.: 337722-000122 Filed on behalf of Apple Inc.

By: Larissa S. Bifano, Reg. No. 59,051 James M. Heintz, Reg. No. 41,828 Michael Van Handel, Reg. No. 68,292

> DLA Piper LLP (US) 33 Arch Street, 26th Floor Boston, Massachusetts 02110-1447 Email: Larissa.Bifano@dlapiper.com

#### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. Petitioner

v.

UNILOC 2017 LLC Patent Owner

IPR2019-00056

DECLARATION OF CHARLES D. KNUTSON, PH.D. U.S. PATENT NO. 6,467,088 CLAIMS 1-21



## TABLE OF CONTENTS

I.	BACKGROUND AND QUALIFICATIONS					
II.	MATERIALS REVIEWED					
III.	RELEVANT LEGAL STANDARDS					
IV.	OVERVIEW OF THE '088 PATENT					
	A.	Sum	nmary of the Alleged Invention1			
	B.	Pers	rson of Ordinary Skill in the Art1			
	C.	Pros	ecution History	14		
V.	CLAIM CONSTRUCTION					
	A.	"list	,,	16		
VI.	SUMMARY OF OPINIONS			16		
	A.	Ground I: Claims 1-21 are unpatentable as being obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>				
		1.	Overview of Cole	17		
		2.	Claims 1, 11, and 21 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	19		
		3.	Claims 2 and 12 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	41		
		4.	Claims 3 and 13 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	42		
		5.	Claims 4 and 14 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	43		
		6.	Claims 5 and 15 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	46		
		7.	Claims 6 and 16 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	49		
		8.	Claims 7 and 17 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	51		



	9.	Claims 8 and 18 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	52		
	10.	Claims 9 and 19 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	53		
	11.	Claims 10 and 20 are obvious in view of <i>Cole</i> , <i>MacInnis</i> , and <i>Elgressy</i>	55		
B.	Ground II: Claims 1-21 are unpatentable as being obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>				
	1.	Overview of Pitzel	57		
	2.	Claims 1, 11, and 21 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	59		
	3.	Claims 2 and 12 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	78		
	4.	Claims 3 and 13 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	79		
	5.	Claims 4 and 14 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	80		
	6.	Claims 5 and 15 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	83		
	7.	Claims 6 and 16 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	85		
	8.	Claims 7 and 17 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	87		
	9.	Claims 8 and 18 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>			
	10.	Claims 9 and 19 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	89		
	11.	Claims 10 and 20 are obvious in view of <i>Pitzel</i> , <i>Cole</i> , and <i>Elgressy</i>	90		
AVAILABILITY FOR CROSS-EXAMINATION					
RIGHT TO SUPPLEMENT					
JURAT					



VII.

VIII.

IX.

I, Charles D. Knutson, Ph.D., declare as follows:

### I. BACKGROUND AND QUALIFICATIONS

- 1. My name is Charles D. Knutson. I received my Doctor of Philosophy (Ph.D.) degree in the field of Computer Science from Oregon State University in 1998. I received my Masters of Science (M.S.) and Bachelor of Science (B.S.) degrees in Computer Science from Brigham Young University.
- 2. I have been engaged in the software development industry since 1986 in engineering, management, research, and instructional positions.
- 3. During my undergraduate education at Brigham Young University between 1985 and 1988 I focused on operating systems, leading to my employment as a development engineer at Hewlett-Packard between May 1988 and February 1989. During that time I developed low-level system software for the HP Vectra personal computer.
- 4. I was employed as a development engineer, test engineer, and manager at Novell, Inc. between March 1989 and September 1994. During that time, I became very familiar with the theory and operation of data communication systems and system software.
- 5. I was founder of ComSoft Consulting in Corvallis, Oregon, and between September 1994 and October 1996 I did consulting work for clients



including Intel and Novell. My consulting work for Novell included creating functional and test specifications for the installation of certain Novell software products in the context of a Novell NetWare local area network.

- 6. I was Vice President of Research and Development for Counterpoint Systems Foundry, Inc. (acquired in 1997 by Extended Systems, Inc., later spun off, and currently operating as OpenSynergy, Inc.) from September 1996 to September 1999. My development group created the infrared beaming capability that 3Com Corporation employed in their PalmOS handheld devices. My development group also created infrared and Bluetooth development platforms that have become defacto standards in the embedded/handheld device market worldwide.
- 7. I was Chair of the Test and Interoperability Committee of the Infrared Data Association (IrDA) from February 1998 to October 1999, and served as a member of the IrDA Architecture Council from February 1998 to April 2008. I was also a member of the Infrared Object Exchange (IrOBEX) Working Group from January 2002 to December 2005, helping to define standards for data object exchange in IrDA and Bluetooth.
- 8. I created and presented short courses on embedded systems, data communications, software quality, and software engineering at the Embedded



# DOCKET

# 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.

