

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Panasonic Corporation of North America *et al.*

Petitioners v.

Cellspin Soft, Inc.

Patent Owner

CASE: 2019-00131

Patent No. 9,258,698

**SECOND DECLARATION OF DR. JOHN STRAWN
IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 9,258,698**

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I, Dr. John Strawn, declare as follows:

I. BACKGROUND AND QUALIFICATIONS

1. I am currently an independent consultant working under the aegis of my corporation S Systems Inc. My curriculum vitae, which includes a more detailed summary of my background, experience, and publications, was attached to the Petition as Exhibit 1002. My education and experience were discussed in my Declaration of October 30, 2018, Exhibit 1001 (“Strawn Declaration”). I incorporate the Strawn Declaration by reference into this declaration in its entirety, including exhibits.

2. In this declaration, I have been asked by counsel for Panasonic to address certain topics raised by Dr. Michael Foley in his declaration, Exhibit 2009 (“Foley Declaration”). I have not been asked to provide a point-by-point response to every issue raised by the Foley Declaration, and I do not attempt to do so here. This does not mean that I agree with Dr. Foley’s opinions on topics that I do not address; my omission of any topic from this declaration should not be interpreted that I agree with the Foley Declaration.

II. INFORMATION PROVIDED TO ME

3. In addition to the material listed in the Strawn Declaration, I have been asked to consider the following documents:

- Cellspin’s Preliminary Response to the Petition (Paper 7) and the Exhibits to that Preliminary Response, Exhibits 2001-2008.
- Cellspin’s Response to the Petition (Paper 19) and the Exhibits to that Response, Exhibits 2009-2023.
- The transcript of my deposition taken on June 13, 2019 in this proceeding (“Strawn Deposition”).
- The transcript of Dr. Foley’s deposition taken on September 19, 2019 in this proceeding (“Foley Deposition”).
- The other documents identified in this Declaration.

4. My opinion in the Strawn Declaration is unchanged, that is, all Challenged Claims are unpatentable as obvious over Mashita, Onishi, and Hiraishi. A more detailed reaffirmation of my opinion is given below.

A. **My Understanding of the Law Regarding Prior Art**

5. My understanding is outlined in the Strawn Declaration.

III. **CLAIM CONSTRUCTION**

A. **“Cryptographically Authenticating Identity” Term**

6. The Foley Declaration points out an inconsistency in the wording of a proposed construction. Due to an oversight in editing, the noun “secrecy” was omitted from the text at the Strawn Declaration ¶60 [p. 34].

7. The Foley Declaration is incorrect when the Foley Declaration states: “The difference is that Dr. Strawn does not agree with Panasonic that ‘some form of secrecy’ is sufficient.” [¶38, emphasis original]. I do not disagree with the construction in the Petition; the difference is again a typographical error. In understanding various forms of the words related to “cryptography,” I have always relied on the meaning of “secret” implied by the Greek root “crypt-.” My understanding is consistent with a POSITA’s understanding of the meaning of this term.

8. Consistent with that understanding, the Strawn Declaration draws on the “secrecy” of the corrected proposed construction: “Thus, entering a secret PIN into both the camera and the cellular phone constitutes cryptographically authenticating.” [¶84].

9. My opinion about obviousness is not changed by the fact that the Board adopted a construction without “secret” [Foley Declaration, ¶48]. As I noted throughout the Strawn Declaration, Mashita does authenticate the identity of the cellular phone by use of a shared passkey on the digital camera device and the cellular phone, matching the Board’s construction.

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