

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Axis Communications AB, Canon Inc., and Canon U.S.A., Inc.,

Petitioner

v.

Avigilon Fortress Corporation,

Patent Owner

Case: IPR2019-00235

U.S. Patent No. 7,868,912
Issue Date: January 11, 2011

Title: Video Surveillance System Employing Video Primitives

DECLARATION OF GUANG-YU ZHU

I, Guang-Yu Zhu, state as follows:

1. My name is Guang-Yu Zhu, and I am an attorney at the law firm of Finnegan, Henderson, Farabow, Garrett, and Dunner, LLP. I am back-up counsel for Petitioner in the above-captioned matter. I am over the age of 18. I have personal knowledge of the matters set forth in this declaration. If called as a witness, I am competent to testify to those matters.

2. On November 8 and 9, 2018, I helped prepare Ms. Emily Florio's declaration (the "Florio Declaration," Ex. 1007) for addressing the references in the instant Petition. In preparing the Florio Declaration, I sent to Ms. Florio electronic file copies of the exhibits to the Florio Declaration.

3. On November 8, 2018, I sent Ms. Florio the electronic file copy of "Autonomous Video Surveillance," by Bruce Flinchbaugh et al. ("*Flinchbaugh II*") instead of a copy of "Autonomous Scene Monitoring System," also by Bruce Flinchbaugh et al. ("*Flinchbaugh*") used in the Petition. This clerical error was not detected and due in part to the use of *Flinchbaugh II* in a prior declaration by Ms. Florio in IPR2018-00138 and the similarities between *Flinchbaugh II* and *Flinchbaugh*. Consequently, Ms. Florio used *Flinchbaugh II* to prepare the Florio Declaration instead of *Flinchbaugh*. This resulted in the Florio Declaration containing incorrect statements regarding *Flinchbaugh*, which was attached as Exhibit D to the declaration.

4. The incorrect statements in the Florio Declaration relate to *Flinchbaugh II* instead of *Flinchbaugh*. The incorrect statements are based on similar statements in Ms. Florio's declaration submitted in IPR2018-00138.

5. On March 6, 2019, Patent Owner filed its preliminary response. In that preliminary response, Patent Owner states that the Florio Declaration includes statements regarding *Flinchbaugh* that are not correct. Due to the similarities between *Flinchbaugh II* and *Flinchbaugh*, neither I nor any other counsel for Petitioner, were aware that the incorrect document had been used to prepare the Florio Declaration until the error was identified by Patent Owner.

I declare under penalty of perjury of the laws of the United State of America that the foregoing statements are true and correct.

Dated this 1st day of April 2019

/Guang-Yu Zhu/
Guang-Yu Zhu