UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner

v.

Avigilon Fortress Corporation,

Patent Owner

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Case: <u>IPR2019-00236</u>

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

Title: Video Surveillance System Employing Video Primitives

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<u>DECLARATION OF GAD TALMON, B.Sc.EE.</u>

I, Gad Talmon, B.Sc.EE., state and declare as follows:

1.   I have prepared this Declaration in connection with the Petition of Axis Communications AB, Canon Inc., and Canon U.S.A., Inc. for *inter partes* review of U.S. Patent No. 7,868 ,912, which I understand will be filed concurrently with this Declaration.

2.   I was one of the co-founders of Aspectus Ltd. in 2003. Aspectus Ltd. later changed its name to Agent Video Intelligence, Inc. (or "Agent VI") in 2005.

3.   I served as Chief Executive Officer (CEO) at Aspectus Ltd. (and then Agent VI) from its founding until 2006, at which time I took the role of Vice President. I served as Vice President of Agent VI until I left in December 2007. As part of those roles, I attended trade shows and was responsible for the design, marketing, and development of the Video Intelligence System ("VI-System"). Consequently, I am intimately familiar with the details of the technical design, development, marketing, and sales of the VI-System.

4.   In the early 2000s, video analytics was a relatively new or emerging field. Aspectus/Agent VI was one of the first companies to commercially offer a video intelligence (Video Analytics) system (the VI-System) for the security industry.

5.   Attached as Exhibit A (Exhibit 1003 to the Petition) is a true and correct copy of U.S. Patent No. 8,004,563 titled "Method and System for

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Effectively Performing Event Detection Using Feature Streams of Image
Sequences" to Talmon et al. ("*Talmon*"). *Talmon* issued on August 23, 2011 to
Agent VI (previously Aspectus Ltd.).

6. I am one of the co-inventors of *Talmon* and my name appears on the
face of the patent. The VI-System was a commercial implementation of the
innovative systems and methods described in *Talmon*.

7. Attached as Exhibit B (Exhibit 1005 to the Petition) is a true and
correct copy of "Aspectus Video Intelligence VI-System™" Brochure
("*Aspectus*"), which includes a detailed description of the features of the VI-
System. *Aspectus* bears a copyright date of 2003-2004 and was distributed and
made publicly available to customers in the United States in 2004 (i.e., before
2005).

8. As disclosed in *Aspectus*, the VI-System was a distributed image
processing system useful for large-scale video surveillance networks. The VI-
Server processed data streams from all of the camera units in the field. The VI
Sentry of the VI-System provided a friendly wizard on a computer that guided a
user step-by-step how to create event criteria rules. As an example, a user could
define an event based on a unique sequence, such as "vehicle stops for more than 1
minute, and a person leaves the vehicle unattended." A wide variety of other events
could also be defined through the system.

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9.   As described in *Aspectus*, the criteria for defining events were based

on attributes extracted from the video (referred to as "feature extraction"). The

feature or attribute extraction was performed by the VI-Agent algorithm embedded

in the VideoOutpost (located at or near each camera). This is illustrated on page 2

and further described on page 3 of *Aspectus*.

10.   I personally recall emailing *Aspectus* to prospective customers in the

United States in 2004. Printed copies of *Aspectus* were also mailed to prospective

customers in 2004, many of whom were within the United States. At the time, the

typical procedure at Aspectus Ltd. was to attach *Aspectus* to emails or physical

correspondence to market the VI-System.

11.   During 2004, we began to develop a newer version of the brochure

describing the VI-System. *Aspectus*, the version attached as Exhibit B, was the

print version. Sometime during 2004, the information in *Aspectus* was converted

into our new red and white theme (the "red and white brochure"). The red and

white brochure was made available on Aspectus Ltd.'s website at

www.aspectusvi.com. I personally recall viewing and accessing the red and white

brochure on the company website before 2005 (i.e., during the 2004 calendar year).

12.   Attached as Exhibits C and D are printouts from the

WaybackMachine (www.archive.org) that show that the "VI-System[TM]" brochure

was available for download from the website in at least two places. Based on my

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personal knowledge, this referred to red and white brochure. This confirms my personal recollection that the red and white brochure describing the VI-System was made available on the company website by at least December 2004, and that its predecessor brochure (*Aspectus*) was publicly used and distributed before that date.

13.   *Aspectus* was distributed to potential customers at the ASIS International 50th Annual Seminar ("ASIS 2004"). ASIS 2004 was an annual convention for professionals in the security industry that was held in Dallas, Texas in October 2004.

14.   Attached as Exhibit E is an article from Business Wire that bears a publication date of October 18, 2004. It confirms that ASIS 2004 had record attendance of more than 19,000 people as well as 842 exhibitors. This is consistent with my recollection of ASIS 2004, as it was attended by many companies and professionals in the security industry

15.   During ASIS 2004, I personally met with potential U.S. customers, including On-Net Surveillance Systems, Inc. (OSSI) and others. During these meetings, *Aspectus* was publicly used, distributed, and made available for review to those U.S. customers.

16.   Attached as Exhibit F is a copy of OnSSI's website from 2004. As shown in Exhibit F, OnSSI was a U.S. company, based in New York. This is consistent with my recollection of OnSSI's status as a U.S. company at the time.

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