IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	Bernard Hunt	
U.S. Patent No.:	6,868,079	Attorney Docket No.: 39521-0060IP1
Issue Date:	March 15, 2005	
Appl. Serial No.:	09/455,124	
Filing Date:	December 6, 1999	
Title:	Radio Communication System With Request Re-Transmission Until Acknowledged	

SECOND DECLARATION OF DR. PAUL G. STEFFES

TABLE OF CONTENTS

I, Paul G. Steffes, Ph.D., of Atlanta, Georgia, declare that:

I.   QUALIFICATIONS AND BACKGROUND INFORMATION

1.   I am currently a Professor and former Associate Chair for Research in the School of Electrical and Computer Engineering at the Georgia Institute of Technology ("Georgia Tech"). I began teaching at Georgia Tech in 1982 and have served on the academic faculty at Georgia Tech for over 36 years.

2.   I received a Ph.D. degree in Electrical Engineering from Stanford University in 1982, and S.M. and S.B. degrees in Electrical Engineering from Massachusetts Institute of Technology in 1977, as shown in my curriculum vitae. See Exhibit-1004.

3.   In writing this supplemental Declaration, I have considered the following: my own knowledge and experience, including my work experience in the fields of satellite and terrestrial radio communications systems; my experience in teaching those subjects; and my experience in working with others involved in those fields. In addition, I have analyzed the other materials I cite in my original Declaration (EX1003, which is incorporated herein by reference in its entirety) as well as the following additional documents, publications, and materials:

- the Petition for *Inter Partes* Review (Paper 1)

- the Board's Institution Decision ("Decision", Paper 7))

- the Patent Owner Response ("Response," Paper 9)

- Joe Flower, Iridum, Wired (May 1993) ("Iridium", Exhibit-1019) (select portions)

- Honey Berman, LEOs and MEOs, Via Satellite (March 1998) ("Via Satellite", Exhibit-1020)

- John L. Everett, *Very Small Aperture Terminal (VSATs)*, Institution of Electrical Engineers (IEE), Telecommunication Series 28, First Edition (1992) ("Everett-2"; Exhibit-1023) (select portions);

- Robert G. Winch, *Telecommunication Transmission Systems*, McGraw-Hill, First Edition (1993) ("Winch"; Exhibit-1024) (select portions)

4.   Each of these foregoing references (not including the legal documents or patents) were published in publications or libraries with which I am familiar, and which would have been available to and disseminated to members of the general technical community prior to December 10, 1998.

5.   Although this Declaration refers to selected portions of the cited references for the sake of brevity, it should be understood that these are examples, and that one of ordinary skill in the art would have viewed the references cited herein in their entirety and in combination with other references cited herein or cited within the references themselves. The references used in this Declaration, therefore, should be viewed as being incorporated herein in their entirety.

6. I am not, and never was, an employee of the Petitioners in this proceeding, Apple Inc., LG Electronics Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively "Petitioners"). I have been engaged in the present matter to provide my independent analysis of the issues raised in the petition for *inter partes* review of the '079 Patent. I received no compensation for this Declaration beyond my normal hourly compensation based on my time actually spent studying the matter, and I will not receive any added compensation based on the outcome of this *inter partes* review of the '079 Patent.

II. LEGAL PRINCIPLES

A. Anticipation

7. I have been informed that a patent claim is invalid as anticipated under 35 U.S.C. § 102 if each and every element of a claim, as properly construed, is found either explicitly or inherently in a single prior art reference. Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes the claimed limitations, it anticipates.

8. I have been informed that a claim is invalid under 35 U.S.C. § 102(a) if the claimed invention was known or used by others in the U.S., or was patented or published anywhere, before the applicant's invention. I further have been informed that a claim is invalid under 35 U.S.C. § 102(b) if the invention was patented or published anywhere, or was in public use, on sale, or offered for sale in

DOCKET ALARM

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.

fastcase®
Smarter legal research.