

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON U.S.A., INC.
Petitioner

v.

CELLSPIN SOFT, INC.
Patent Owner

Patent No. 9,258,698
Inter Partes Review No. 2019-00127

DECLARATION OF DR. MICHAEL FOLEY

CELLSPIN
EX. 2009, Page 1

TABLE OF CONTENTS

EXHIBIT LIST	3
I. INTRODUCTION, BACKGROUND AND QUALIFICATIONS.....	5
II. SUMMARY OF OPINIONS	6
III. LEGAL UNDERSTANDINGS	6
IV. TECHNOLOGY AND THE '698 PATENT	10
A. Background Technology	10
1. The '698 Patent	10
2. '698 Claims	11
V. THE LEVEL OF ORDINARY SKILL IN THE ART.....	18
VI. ASSERTED GROUNDS FOR UNPATENTABILITY	19
VII. ANALYSIS	20
A. Claim Construction	20
B. Claim Construction Summary	33
C. Prior Art Relied Upon by Petitioner.....	33
1. Hiroishi	33
2. Takahashi	35
3. Nozaki.....	36
4. Hollstrom	37
5. Ando.....	38
D. Non-Obviousness of Claims 1–20 over Hiroishi and Takahashi (Ground 1).....	38
1. Limitation 1(c) of Independent Claims 1, 5, 8, and 13	38
2. Lack of Motivation to Combine.....	53
E. Claim 5 and Claim 8 – No Single Application Performing Steps	54
F. Non-Obviousness of Claims 21 and 22 over Hiroishi, Takahashi, and Ando (Ground 2).....	56

G. Non-Obviousness of Claims 1–22 over Hiroishi, Takahashi, and Nozaki (Ground 3)	58
H. Non-Obviousness of Claims 21 and 22 over Hiroishi, Takahashi, Nozaki, and Ando (Ground 4).....	59
I. Non-Obviousness of Claims 1, 3–5, 7, 8, 10–13, and 15–20 over Hollstrom and Takahashi (Ground 5)	60
J. Non-Obviousness of Claims 2, 6, 9, 14, 21, and 22 over Hollstrom, Takahashi, and Ando (Ground 6)	61
VIII. SUMMARY AND CONCLUSION	62

EXHIBIT LIST

<i>No.</i>	<i>Short Name</i>	<i>Exhibit</i>
2001	AIRcable	AIRcable User Manual
2002	'891 Patent	U.S. Patent No. 9.398,891
2003	RF4CA	Silicon Labs UG103.10 RF4CA Fundamentals
2004	LR-WPANs	IEEE Part 15.4 Low-Rate Wireless Personal Area Networks (LR-WPANs)
2005	NIST Glossary	Glossary of Key Information Security Terms by NIST
2006	Bluetooth v. 2.1	Bluetooth Core Specification V2.1 + EDR
2007	101 Order	ORDER Invalidating '698 Challenged Claims
2008	Stallings	Wireless Communications & Networking, Stallings, 2nd
2009	Foley Declaration	Declaration of Michael Foley, Ph.D.
2010	Foley CV	CV of Michael Foley, Ph.D.
2011	Techopedia definition for encryption	Definition of "encryption" from the Techopedia dictionary from https://www.techopedia.com/definition/5507/encryption
2012	Science Dictionary definition of cryptographic	Definition of "cryptographic" from Academic Press Dictionary of Science And Technology 556 (1992) (second edition)
2013	Schneier Excerpt	Excerpt from Bruce Schneier, Applied Cryptography: Protocols, Algorithms and Source Code in C, 2nd Edition, 1996, pp. 1-2.
2014	Stallings Excerpt	Excerpt from W. Stallings, "Cryptography And Network Security", 2nd, Edition, Chapter 13, IP Security, Jun. 8, 1998, pp. 399-440.
2015	CNSSI Excerpt	Excerpt from CNSSI No. 4009, which is a Committee on National Security Systems Glossary
2016	NISTIR Excerpt	Excerpt from NISTIR 7298, Revision 2, entitled "Glossary of Key Information Security Terms," which was published by the National Institute of Standards and Technology
2017	ZigBee Analysis	Security Analysis of Zigbee
2018	Bluetooth v2.1	Bluetooth v2.1 + EDR Core Specification
2019	Techopedia definition for authentication	Definition of "authentication" from the Techopedia dictionary from https://www.techopedia.com/definition/342/Authentication
2020	Techopedia definition for GUI	Definition of "graphical user interface" from the Techopedia dictionary from https://www.techopedia.com/definition/5435/graphical-user-interface-gui
2021	'802 Application	U.S. Patent Application No. No. 11/901,802
2022	Webster Definition of "along with"	Definition of "along with" from the Merriam-Webster dictionary: https://www.merriam-webster.com/dictionary/along%20with

<i>No.</i>	<i>Short Name</i>	<i>Exhibit</i>
2023	Bluetooth BIP Profile	Bluetooth Basic Imaging Profile, Interoperability Specification, dated July 30, 2003

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.