UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA), INC. AND
SAMSUNG ELECTRONICS CO., LTD.,
Petitioners

v.

BELL NORTHERN RESEARCH, LLC,
Patent Owner

Case: IPR2019-01365
U.S. Patent No. 7,039,435

REBUTTAL DECLARATION OF JONATHAN WELLS, PH.D. IN SUPPORT OF PETITIONER'S REPLY

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I, Jonathan Wells, Ph.D., of Pleasanton, California, declare as follows:

I. INTRODUCTION

1. I have been retained as a technical expert by counsel on behalf of Samsung Electronics America, Inc. ("Samsung" or "Petitioner"), to provide an independent analysis on various issues regarding U.S. Patent No. 7,039,435 ("the '435 patent") as part of *inter partes* review IPR2019-01365.

2. On June 10, 2019, I submitted a "Declaration of Jonathan Wells, Ph.D." (EX1003, "Wells Declaration" or "Wells") on behalf of petitioner Huawei Technologies Co., Ltd. ("Huawei"), as part of *inter partes* review IPR2019-01186 (now terminated). On July 24, 2019, ZTE (USA) Inc. ("ZTE") submitted a verbatim copy of the Wells Declaration, in support of its petition for *inter partes* review of the '435 patent in IPR2019-01365 (also EX1003). On July 24, 2019, Samsung submitted a verbatim copy of the Wells Declaration, in support of its petition for *inter partes* review of the '435 patent in IPR2019-00697 (also EX1003). I understand that Samsung has now been joined in *inter partes* review IPR2019-01365. I incorporate by reference the contents of the Wells Declaration herein.

3. As with my previous work relating to this proceeding, no part of my compensation is contingent on the nature of my findings, the presentation of my findings in testimony, or the outcome of this or any other proceeding. I have no other interest in this proceeding. Relevant aspects of my educational background,

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career history, and other qualifications were provided in my opening declaration. (*See* Wells at ¶¶ 4-15.)

4. I have been asked to review and consider the testimony provided by Dr. Mark Horenstein (EX2022, "Horenstein Declaration" or "Horenstein") and provide my responses in rebuttal to Dr. Horenstein's positions. My rebuttal opinions are set forth below, which reply to certain positions offered by Dr. Horenstein.[1]

5. My opinions in this rebuttal declaration are based on the documents I reviewed and my knowledge and professional judgment, including the documents from the materials I reviewed in support of my previous declaration (Wells Declaration) and any materials I refer to in this rebuttal declaration. In forming my opinions in this rebuttal declaration, I considered the positions taken by Dr. Horenstein as well as any other materials I refer to in this declaration in support of my opinions. In providing my rebuttal opinions here, I do not change my opinions that I provided in my opening declaration.

[1] Although I respond to selected opinions offered by Dr. Horenstein, doing so does not mean that I agree with any of Dr. Horenstein's testimony in his declaration that I do not respond to in this rebuttal declaration.

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