### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC. Petitioner,

v.

## SYNKLOUD TECHNOLOGIES, LLC, Patent Owner.

U.S. Patent No. 9,098,526
Issue Date: AUGUST 4, 2015
Title: SYSTEM AND METHOD FOR WIRELESS DEVICE ACCESS TO EXTERNAL STORAGE

\_\_\_\_\_

Inter Partes Review No.: IPR2019-01655

\_\_\_\_\_

DECLARATION OF DARRELL LONG, Ph.D. IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,098,526

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450



## **TABLE OF CONTENTS**

				Page				
I.	Introduction							
II.	List o	List of Documents I Considered in Forming My Opinions						
III.	My Background and Qualifications							
IV.	Relev	Relevant Legal Standards						
V.	Overview of the '526 Patent							
	A.	Claim	ned Priority	11				
	B.	Disclo	osure	11				
	C.	Prose	cution History	16				
VI.	VI. Claim Construction							
	A.	Plain	and ordinary meaning	17				
	B.		prises storing a data object therein or retrieving a data therefrom" (Claims 1, 11)	18				
VII.	State of the Art							
	A.	Level of Ordinary Skill in the Art						
	B.	Gener	ral Knowledge of a POSA	20				
		1.	Web browsing, browsers, protocols and URL addressing was well known, including for PDAs	20				
		2.	Web-caching and copy-and-paste were well-known, conventional functions of web browsers.	25				
		3.	Remote storage solutions for computing devices, including out-of-band downloads, were well-known	28				
VIII.	GROUND 1: CLAIMS 1–3, 5–11, 13–20 ARE OBVIOUS OVER <i>PRUST</i> AND <i>MAJOR</i>							



	A.	Summary30				
	B.	Prior Art Status				
	C.	Overview of <i>Prust</i>				
	D.	Overview of <i>Major</i>				
	E.	Motivation to Combine the Teachings of <i>Prust</i> with <i>Major</i> 34				
	F.	Detailed Claim Mapping				
		1.	Claims 1 and 11	37		
		2.	Claims 2 and 16	58		
		3.	Claims 3 and 20	58		
		4.	Claims 5 and 19	59		
		5.	Claims 6, 10, 14, and 15	59		
		6.	Claims 7, 8, 13 and 17	61		
		7.	Claims 9 and 18	63		
IX.		ROUND 2: CLAIMS 1–20 ARE OBVIOUS OVER <i>CHAGANTI</i> IN IEW OF <i>MAJOR</i>				
	A.	Sumr	nary	63		
	B.	Prior Art Status of <i>Chaganti</i> 6				
	C.	view of Chaganti	72			
	D.	vation to Combine the Teachings of Chaganti with Major	75			
	E.	Detailed Claim Mapping				
		1.	Claims 1 and 11	78		
		2.	Claims 2 and 16	94		
		3.	Claims 3 and 20	94		



4.	Claims 4 and 12	95
5.	Claims 5 and 19	96
6.	Claims 6, 10, 14 and 15	96
7.	Claims 7, 8, 13 and 17	97
8	Claims 9 and 18	98

## I. <u>Introduction</u>

- 1. I am over the age of eighteen (18) and otherwise competent to make this declaration.
- 2. I have been retained by Unified Patents Inc. (Petitioner) as an independent expert consultant in this proceeding before the United States Patent and Trademark Office. I am being compensated at my rate of \$500 per hour, with reimbursement for actual expenses. My compensation is not contingent upon the outcome of this *inter partes* review. I have no other interest in this proceeding. To the best of my knowledge, I have no financial interest in Unified Patents Inc.
- 3. This declaration is in support of the petition for *inter partes* review involving U.S. Patent No. 9,098,526 ("the '526 Patent") (Ex-1001), ("the Petition"). The '526 Patent is entitled "System and Method for Wireless Device Access to External Storage" and lists Sheng Tai Tsao, as the inventor.
- 4. For the purposes of this *inter partes* review as I discuss later, I have been instructed to assume that the effective filing date of the Claims of the '526 Patent challenged by the Petitioner in this *inter partes* review is no earlier than December 4, 2003.
- 5. I understand that according to USPTO records, the '526 Patent is currently assigned to SynKloud Technologies, LLC. ("SynKloud Technologies LLC" or "Patent Owner").



# DOCKET

## 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.

