PUBLIC REDACTED VERSION

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., Petitioner,

v.

COREPHOTONICS, LTD., Patent Owner.

Case No. IPR2020-00861 U.S. Patent No. 10,230,898

DECLARATION OF JOHN HART, PH.D



TABLE OF CONTENTS

I.	INTRODUCTION	1		
II.	BACKGROUND AND QUALIFICATIONS			
III.	MATERIAL CONSIDERED	5		
IV.	OVERVIEW OF THE '898 PATENT	5		
V.	UNDERSTANDING OF THE LAW	10		
A	Burden of Proof	. 10		
В.	. Claim Construction	. 11		
C.	. Anticipation	. 11		
D	. Obviousness	. 12		
E.	Level of Ordinary Skill	. 14		
VI.	OVERVIEW OF THE ASSERTED PRIOR ART	16		
A	. Golan (APPL-1005)	. 16		
В.	. Martin (APPL-1006)	. 21		
C.	Togo (APPL-1010)	. 22		
D	Levey (APPL-1015)	. 23		
E.	Border (APPL-1009)	. 24		
F.	Parulski (APPL-1008)	. 24		
VII.	PATENTABILITY OF CHALLENGED CLAIMS	28		



A.		All Grounds	8
	1.	The Petition Fails to Establish a Motivation to Combine Golan and Martin	
	2.	The Petition Fails to Establish a Motivation to Combine Togo with Golan and Martin	
В.		Ground 1: Claims 1, 4, 8, 12 and 15 remain patentable, withstanding 35 U.S.C. § 103 over Golan in view of Martin and Togo	7
	1.	Claim 1	7
	1.	Dependent claims 4 and 8-114	.3
	2.	Claim 44	4
	3.	Claim 84	6
	4.	Claim 124	.7
	5.	Dependent claims 15, 19, and 20	.7
	6.	Claim 154	.7
C.		Ground 2: Claim 9 remains patentable, withstanding 35 U.S.C. § 103 over Golan in view of Martin, Togo and Levey	
	1.	The Petition Fails to Establish a Motivation to Combine Levey with Golan, Martin and Togo	
	2.	Claim 95	2
D.		Ground 3: Claims 11 and 19 remain patentable withstanding 35 U.S.C. § 103 over Golan in view of Martin. Togo and Border 5	4



	1.	The Petition Fails to Establish a Motivation to Combine Bordowith Golan, Martin and Togo	
	2.	Claim 11	57
	3.	Claim 19	60
E.		Ground 4: Claims 10 and 20 remain patentable, withstanding 35 J.S.C. § 103 over Golan in view of Martin, Togo and Parulski	60
	1.	The Petition Fails to Establish a Motivation to Combine Parulski with Golan, Martin and Togo	60
	2.	Claim 10	61
	3.	Claims 20	62
VIII.		CONDARY CONSIDERATIONS/OBJECTIVE INDICIA O N-OBVIOUSNESS	
A.	I	ndustry Praise / Licensing	68
В.	(Commercial Success	73
C.	F	Failure of Others / Copying	74
IY	CO^{\dagger}	NCLUSION	77



Case No. IPR2020-00861 U.S. Patent No. 10,230,898

I. INTRODUCTION

- 1. I have been retained as an independent expert witness on behalf of Corephotonics Ltd. ("Patent Owner" or "Corephotonics") for the above-captioned *Inter Partes* Review of U.S. Patent No. 10,230,898 (the "'898 patent"). I am being compensated at my usual and customary rate for the time that I spent in connection with this IPR. My compensation is not affected by the outcome of this IPR.
- 2. I have been asked to provide my opinions regarding whether claims 1, 4, 8-12, 15, 19, and 20, ("Challenged Claims") of the '898 patent are invalid as they would have been obvious to a person having ordinary skill in the art ("POSITA") as of the earliest claimed priority date, specifically with reference to the arguments made by Petitioner Apple Inc. ("Petitioner" or "Apple") in its Petition for *Inter Partes* Review ("Petition" or "Pet.").

II. BACKGROUND AND QUALIFICATIONS

3. My qualifications are set forth in my curriculum vitae, a copy of which is attached as **Exhibit 2002**. As set forth in my curriculum vitae, I am a tenured full Professor of Computer Science in the Department of Computer Science at the University of Illinois at Urbana-Champaign. As an educator for the past three decades, I have taught courses in computer graphics and related areas to



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.

