

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

COREPHOTONICS LTD.,
Patent Owner

Declaration of José Sasián, PhD
under 37 C.F.R. § 1.68
in Support of Petitioner Reply

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I, José Sasián, Ph.D., declare as follows:

I. Introduction

1. I am the José Sasián who has previously submitted a declaration as APPL-1003 in this proceeding. The terms of my engagement, my background, qualifications and prior testimony, and the legal standards and claim constructions I am applying are set forth in my previous CV and declaration. *See* APPL-1003; APPL-1004. I offer this declaration in reply to Dr. Milster's declaration filed in this proceeding as Exhibit 2001. In forming my opinion, I have considered the materials noted in my previous declaration, as well as the following additional materials:

- APPL-1028 – Deposition Transcript of Tom Milster, Ph.D.
- APPL-1029 – IPR 2019-00030, Paper 21
- APPL-1030 – IPR 2019-00030, Ex. 2002
- APPL-1031 – Michael P. Schaub, THE DESIGN OF PLASTIC OPTICAL SYSTEMS (2009)
- APPL-1032 – IPR 2018-01140, Paper 2
- APPL-1033 – IPR 2018-01140, Paper 14
- APPL-1034 – IPR 2018-01140, Paper 37
- APPL-1035 – Japanese Patent Pub. No. JP2013106289 to Konno et al.
- APPL-1036 – U.S. Patent No. 10,338,344 to Mercado

II. Claims 2, 5, 6, 18, and 21-23 are obvious over Ogino's Example 5 embodiment in view of Bareau.

A. A POSITA would have been motivated to modify Ogino's Example 5 lens as shown.

2. As discussed in my previous declaration, it is my opinion that a POSITA would have found it obvious to modify Ogino's Example 5 lens assembly in view of Bareau's specifications for cell phone camera lenses with an $F\#=2.8$ or less for $\frac{1}{4}$ " and smaller image sensors. APPL-1003 at 51. Such a combination would have been nothing more than applying Bareau's specification for a brighter lens system for small pixel format sensors, according to known lens design and modification methods to yield a predictable result of Ogino's Example 5 lens assembly likewise supporting an f-number of 2.8 or lower for a small pixel sensor format. *Id.*

3. As established in my declaration, a POSITA would have been motivated to make these modifications using techniques within his or her skill level. *See* APPL-1003 at 51-58, 61-67. Furthermore, Dr. Milster's (Patent Owner's expert) arguments of the alleged requirements to "manufacture" the modifications of Ogino's Example 5 lens are overly rigorous and not applicable to the claims at issue. First, none of these requirements are described in any of claims 2, 5, 6, 18, and 21-23 or the specification of the '897 patent. *See* Ex. 2001 at 88-124. Second, even if such rigorous manufacturing considerations would have been required in

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