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

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

I. INTRODUCTION 4

II. QUALIFICATIONS AND PROFESSIONAL EXPERIENCE 6

III. LEVEL OF ORDINARY SKILL IN THE ART 10

IV. RELEVANT LEGAL STANDARDS 12

A. Anticipation 12

B. Obviousness 13

V. OVERVIEW OF THE '277 PATENT 14

A. Summary of the Patent 14

B. Prosecution History of the '277 Patent 18

VI. CLAIM CONSTRUCTION 20

VII. IDENTIFICATION OF HOW THE CLAIMS ARE UNPATENTABLE 21

A. Claims 1-3 and 5-8 are obvious under AIA 35 U.S.C. § 103 over Ogino in view of Bareau 22

1. Summary of Ogino – (Example 4) 22

2. Summary of Bareau 26

3. Reasons to combine Ogino and Bareau – (I) 28

4. Detailed Analysis 34

B. Claims 1-24 are obvious under AIA 35 U.S.C. § 103 over Ogino in view of Bareau 61

1. Summary of Ogino – (Example 5) 61

2. Reasons to combine Ogino and Bareau – (II) 64

3. Detailed Analysis 70

VIII. CONCLUSION 111

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

IX. APPENDIX....112

A. Fig. 1: Ogino Example 4 using Zemax (v. 02/14/2011)....112

1. Fig. 1A – Ray Trace Diagram....112

2. Fig. 1B – Relative Illumination....113

3. Fig. 1C – Analysis....114

B. Ogino Example 4 modified for F#=2.8 using Zemax (v. 02/14/2011)115

1. Fig. 2A – Ray Trace Diagram....115

2. Fig. 2B – Relative Illumination....116

3. Fig. 2C – Analysis....117

4. Fig. 2D – Prescription Data....118

C. Ogino Example 5 lens assembly using Zemax (v. 02/14/2011)....119

1. Fig. 3A – Ray Trace Diagram....119

2. Fig. 3B – Relative Illumination....120

3. Fig. 3C – Field Curvature....121

D. Ogino Example 5 lens assembly first modification for F#=2.8 using Zemax (v. 02/14/2011) 122

1. Fig. 4A – Ray Trace Diagram....122

2. Fig. 4B – Relative Illumination....123

3. Fig. 4C – Analysis....124

4. Fig. 4D – Prescription Data....125

E. Ogino Example 5 lens assembly second modification for F#=2.8 using Zemax (v. 02/14/2011) 126

1. Fig. 5A – Ray Trace Diagram....126

2. Fig. 5B – Relative Illumination....127

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

3. Fig. 5C – Analysis.....128

4. Fig. 5D – Prescription Data.....129

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

I. INTRODUCTION

1. I am making this declaration at the request of Apple Inc. in the matter of the *inter partes* review of U.S. Patent No. 10,324,277 ("the '277 Patent") to Dror, *et al*.

2. I am being compensated for my work in this matter at the rate of $525/hour. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this investigation. My compensation is not contingent on the outcome of this matter or the specifics of my testimony.

3. I have been asked to provide my opinions regarding whether claims 1-3, 6-8, 10-15, and 17-24 of the '277 Patent are unpatentable because they would have been obvious to a person having ordinary skill in the art ("POSITA") at the time of the alleged invention, in light of the prior art. After a careful analysis it is my opinion that all of the limitations of claims 1-3, 6-8, 10-15, and 17-24 would have been obvious to a POSITA.

4. In the preparation of this declaration, I have reviewed:

- The '277 Patent, APPL-1001;
- The prosecution history of the '277 Patent, APPL-1002;
- U.S. Patent No. 9,128,267 to Ogino et al. ("Ogino"), APPL-1005;
- Warren J. Smith, MODERN LENS DESIGN (1992) ("Smith"), APPL-1006;

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.