

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS

AMERICA, INC. AND APPLE, INC.,

Petitioners

v.

NEONODE SMARTPHONE LLC,

Patent Owner

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Case IPR2021-00144

U.S. Patent No. 8,095,879

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**DECLARATION OF CRAIG ROSENBERG, PH.D.**

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1. I, Craig Rosenberg, Ph.D., declare as follows:

## I. INTRODUCTION

2. I have been retained by Neonode Smartphone LLC (“Respondent”) as an independent expert consultant in this *inter partes* review (“IPR”) proceeding before the United States Patent and Trademark Office (“PTO”).

3. I have been asked by Respondent’s counsel (“Counsel”) to consider whether certain references render Claims 1-6 and 12-17 of U.S. Patent No. 8,095,879, (“the ‘879 Patent”) (EX1001) unpatentable under 35 U.S.C. § 103, for the reasons set forth in the Petition for Inter Partes Review of United States Patent No. 8,095,879 Pursuant to 35 U.S.C. §§311-319, 37 C.F.R. §4 (“Petition”) and the accompanying Declaration of Dr. Benjamin B. Bederson (“Bederson Declaration”). My opinions and the bases for my opinions are set forth below.

4. I am being compensated at my ordinary and customary consulting rate for my work, which is \$450 per hour. My compensation is in no way 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 financial interest in this proceeding.

## II. QUALIFICATIONS

5. All of my opinions stated in this declaration are based on my own personal knowledge and professional judgment. In forming my opinions I have

relied on my knowledge and experience in human factors, user interface design, user interaction design, human-computer interaction, and software engineering.

6. I am over 18 years of age and, if I am called upon to do so, I would be competent to do testify as to the matters set forth herein. My qualifications to testify about the '879 patent and the relevant technology are set forth in my curriculum vitae ("CV"), which I have included as EX2002. In addition, a brief summary of my qualifications is included below:

7. I hold a Bachelor of Science in Industrial Engineering, a Master of Science in Human Factors, and a Ph.D. in Human Factors from the University of Washington School of Engineering. For 30 years, I have worked in the areas of human factors, user interface design, software development, software architecture, systems engineering, and modeling and simulation across a wide variety of application areas, including aerospace, communications, entertainment, and healthcare.

8. I graduated from the University of Washington in 1988 with a B.S. in Industrial Engineering. After graduation, I continued my studies at the University of Washington. In 1990, I obtained an M.S. in Human Factors. In 1994, I graduated with a Ph.D. in Human Factors. In the course of my doctoral studies, I worked as an Associate Assistant Human Factors Professor at the University of Washington Industrial Engineering Department. My duties included teaching,

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