

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS
AMERICA, INC., AND APPLE, INC.,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

Case IPR2021-00144
Patent 8,095,879

EXHIBIT 2007

SECOND DECLARATION OF CRAIG ROSENBERG, PH.D.

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I. INTRODUCTION

I, Craig Rosenberg, declare as follows:

1. I have been retained on behalf of Neonode Smartphone LLC (“Neonode” and/or “Patent Owner”) for the above-captioned *inter partes* review to provide my expert opinions and expert knowledge. I understand that this proceeding involves U.S. Patent No. 8,095,879 (“the ’879 patent”). I understand that the ’879 patent is currently assigned to Neonode.

2. I understand that the present Petition for *inter partes* review challenges claims 1-6, 12, 14-17 (“the challenged claims” or “claims”) of the ’879 patent and was filed by Petitioners Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Apple Inc. (“Petitioner”).

3. I understand that while the Petition originally presented Grounds 1A-1E, 2A-2D and 3, Patent Owner and Petitioners have since agreed to limit the Petition to Grounds 2A-2D only and, therefore, my opinions in this declaration are limited to these Grounds.

4. I have been asked to provide my independent review, analysis, insights, and opinions regarding technical aspects of the ’879 patent and the Petition challenging the patentability of its claims. In particular, I have been asked to provide my analysis, insights, and opinions regarding the state of the art at the

time of the alleged invention and how a person of ordinary skill in the art would have understood the '443 patent disclosure at that time.

5. In preparing this declaration, I have reviewed all of the references cited herein and in the Petition. In particular, I have reviewed and am familiar with the '879 patent and its prosecution history, and the references cited against it, discussed further below.

6. In this declaration, I set forth the independent opinions that I have reached and the basis for those opinions in view of the information currently available to me. Such opinions are based, at least in part, on my experience for the past three decades with image and video processing, including encoding, decoding, and transmission. I reserve the right to supplement or revise my opinions should additional documents or other information be provided to me.

7. I am being compensated at an hourly rate of \$450/hour for my work on this case. My compensation is not dependent upon my opinions, my testimony, or the outcome of this case.

II. QUALIFICATIONS

8. 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.

9. 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 Ex. 2002. In addition, a brief summary of my qualifications is included below:

10. 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.

11. 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, writing research proposals, designing and conducting funded human factors experiments for the National Science Foundation, as well as hiring and supervising students. While studying at the University of Washington, I also worked as a human factors researcher and designed and performed advanced human factors experiments

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