

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 2023
DECLARATION OF JOSEPH SHAIN

1. I, Joseph Shain, declare as follows:
2. 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.
3. I have been employed by Neonode as its Vice President of Intellectual Property from January 1, 2011 through May 31, 2017, and by Neonode Technologies AB as its Vice President of Intellectual Property from June 1, 2017 through October 31, 2020, and as its Intellectual Property manager from November 1, 2020 to date. Currently, among my job functions is to serve as intellectual property manager and to preform functions related to market intelligence.
4. I am personally familiar with the operation of the user interface of the Neonode N1 and N2 phones, having used the phones many times.
5. The Neonode N1 and N2 phones were mobile handheld devices that included a memory, a processor and a touch-sensitive display. The memory stored code that, when executed by the processor of the phone, presented a user interface on the touch-sensitive display.
6. Both the Neonode N1 and N2 presented three icons in a strip along the lower edge of the display immediately following unlocking of the phone. One of the icons represented the Start Menu, one represented the Keyboard Menu, and the third represented the Tools Menu. Each of the icons consisted of only one option for activating the associated function. Each of the icons were activatable by

a gesture in which a thumb or finger touches the icon, and swipes up toward the center of the screen before lifting off of the screen. None of the icons were relocated or duplicated during the swiping gesture.

7. I have reviewed the video contained in Exhibit 2008. Based on my knowledge of the operation of Neonode, this video was produced during the ordinary course of Neonode's business as a marketing video at or around the time of the release of Neonode N2 phone.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, to the best of my recollection, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: March 24, 2022



Joseph Shain