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

_____

Case IPR2021-00145

U.S. Patent No. 8,812,993

DECLARATION OF CRAIG ROSENBERG, Ph.D.

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TABLE OF CONTENTS

Page

I. INTRODUCTION 1

II. QUALIFICATIONS 1

III. TESTIFYING EXPERIENCE 8

IV. INFORMATION CONSIDERED 9

V. RELEVANT LEGAL STANDARDS 10

A. Claim Interpretation 10

B. Perspective of one of Ordinary Skill in the Art 11

C. Obviousness 11

D. Summary of my Opinions 14

VI. THE '993 PATENT 14

A. Priority Date. 14

B. Level of Skill Ordinary in the Art. 14

C. Claim Construction 15

VII. DETAILED EXPLANATION OF PATENTABILITY 15

A. Claim 1 is not Rendered Obvious by the combination of Hisatomi in view of POSA Knowledge and/or Ren. 16

1. Hisatomi does not disclose a "*tap-present state*" wherein "*a plurality of tap-activatable icons [...] are present, each [...] being activated in response to a tap on its respective icon*." 17

2. There would have been no motivation at the time of invention to modify Hisatomi with either POSA knowledge of tap or Ren. 29

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3. Hisatomi does not disclose a "*user interface comprising at least two states, namely, (a) a tap-present state … and (b) a tap-absent state*."....35

4. Hisatomi does not disclose "*icons for a respective plurality of pre-designated system functions*, *each system function being activated in response to a tap on its respective icon*."....37

B. Claim 1 is not rendered obvious by Hansen in view of Gillespie....39

1. Hansen does not disclose "*a processor of an electronic device having a touch-sensitive display screen*."....40

2. Hansen does not disclose a "*tap-present state*" wherein "*a plurality of tap-activatable icons […] are present, each […] being activated in response to a tap on its respective icon*."....46

3. Hansen does not disclose a "*user interface comprising at least two states, namely, (a) a tap-present state … and (b) a tap-absent state*."....51

4. Hansen does not disclose "*icons for a respective plurality of pre-designated system functions*," "*each system function being activated in response to a tap on its respective icon*."....52

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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 cited by Samsung and Apple ("Petitioners") in combination render Claim 1 of U.S. Patent No. 8,812,993 ("the '993 Patent") obvious (EX1001). 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.

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6. I am over 18 years of age and, if I am called upon to do so, I would be competent to testify as to the matters set forth herein. My qualifications to testify about the '993 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, writing research proposals, designing and conducting funded human factors experiments for the National Science Foundation, as well as hiring and supervising

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