

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Google LLC,  
Petitioner

v.

RFCyber Corp.

U.S. Patent No. 9,240,009

IPR2021-00956

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DECLARATION OF STEPHEN GRAY,  
UNDER 37 C.F.R. § 1.68 IN SUPPORT OF PETITION FOR  
*INTER PARTES* REVIEW

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I, Stephen Gray, do hereby declare as follows:

## I. INTRODUCTION

1. My name is Stephen Gray, and I have been retained by counsel for Google LLC (“Google” or “Petitioner”) as a technical expert in connection with the proceedings identified above. I submit this declaration in support of Google’s Petition for *Inter Partes* Review of U.S. Patent No. 9,240,009 (“the ’009 Patent”).

2. I am being compensated for my work in this matter at my accustomed hourly rate. 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 results of my study, the substance of my opinions, or the outcome of this matter.

3. I have been asked to provide my opinions regarding (1) the priority dates to which claims 1-17 (“Challenged Claims”) of the ’009 Patent are entitled, and (2) whether any of claims 1-17 are unpatentable as they would have been obvious to a person having ordinary skill in the art (“POSITA”). It is my opinion that the Challenged Claims would have been obvious to a POSITA at the time of alleged invention, in light of the prior art.

4. In the preparation of this declaration I have reviewed the following, each of which is a type of material that experts in my field would reasonably rely upon when forming their opinions:

- a. the '009 Patent, GOOG-1001;
- b. the prosecution history of the '009 Patent, GOOG-1002;
- c. U.S. Patent Pub. No. 2005/0222961 (“Staib”), GOOG-1005;
- d. U.S. Patent No. 7,628,322 (“Holtmanns”), GOOG-1006;
- e. U.S. Patent No. 6,481,632 (“Wentker”), GOOG-1007;
- f. U.S. Patent No. 6,005,942 to Chan et al. (“Chan”), GOOG-1008;
- g. U.S. Patent No. 7,699,233 to Pesonen (“Pesonen”), GOOG-1009;
- h. U.S. Patent No. 6,367,011 to Lee et al. (“Lee”), GOOG-1010;
- i. Wolfgang Rankl & Wolfgang Effing, *Smart Card Handbook* (Kenneth Cox trans., John Wiley & Sons Ltd., 3d ed. 2002) (“Smart Card Handbook”), GOOG-1011;
- j. Junko Yoshida, “Chip Makers Still Uncertain of Plunge into NFC,” *Electronic Engineering Times* 6 (Nov. 15, 2004), GOOG-1017;
- k. Philips Semiconductors, Functional Specification: Standard Card IC MF1 IC S70, Revision 3.1 (Oct. 2002) (describing MIFARE 1K smart card), GOOG-1018;
- l. Eric Longo & Jeff Stapleton, *PKI Note: Smart Cards*, PKI Forum Newsletter, Apr. 6, 2002, GOOG-1019;
- m. Marijke Sas, “Mifare in Action,” *Card Technology Today*, Mar. 2003, p. 10, GOOG-1020;

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