

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

NEONODE SMARTPHONE LLC,

Patent Owner.

Case No. IPR2021-01041

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

SECOND DECLARATION OF JACOB O. WOBBROCK, PH.D.

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I. INTRODUCTION

1. I have been retained by Google LLC (“Google”) as an independent expert consultant in this proceeding before the United States Patent and Trademark Office.

2. I am over 21 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.

3. My compensation is in no way contingent on the nature of my findings, the presentation of my findings in testimony, or the outcome of any proceeding.

4. I previously provided a declaration in this proceeding as Ex-1003. My CV was previously submitted as Ex-1004.

5. I have been asked to provide this supplemental declaration in response to a single issue raised in Dr. Rosenberg’s second declaration (Ex-2019): Dr. Rosenberg’s assertion that the Robertson reference (Ex-1005) is directed to a desktop computer. *E.g.*, Ex-2019, ¶¶60-63, 66, 68, 116-120, 124. It is not. As is clearly shown by the language of Robertson itself, contemporaneous computer dictionaries, and numerous contemporaneous references, the term “desktop” in Robertson has its ordinary meaning to a person of ordinary skill in the art in the field of user interface design, which refers to the on-screen desktop user interface metaphor, not a desktop computer hardware configuration. Hardware

configurations are most often referred to using the phrases “desktop computer” or “desktop PC.” Robertson’s use of the term “desktop,” for example, in the phrases “a desktop,” “the desktop,” or “desktop objects,” as I explained in my previous declaration and confirmed below, would have been understood by persons of ordinary skill in the art to pertain to mobile handheld computer devices, such as laptop computers and PDAs, because such computer devices also employed the desktop user interface metaphor.

6. While I disagree with many positions expressed by Dr. Rosenberg in his second declaration, I have not been asked to opine on those disagreements here.

7. Robertson uses the term “desktop” in the conventional way of referring to the well-known desktop user interface metaphor. This is confirmed by at least two contemporaneous computer dictionary definitions of “desktop.” It is also confirmed by numerous references to “desktop” for mobile handheld computer devices, such as the HP 620LX palmtop device and the NEC MobilePro device, which were small portable touchscreen devices that included a desktop user interface, such as described in Robertson. Moreover, laptop computers generally used the same operating systems as desktop-hardware computers, and the ’879 patent describes laptops as mobile handheld computer devices.

8. As such, it is my opinion that Dr. Rosenberg’s testimony is wrong to limit Robertson’s use of “desktop” to only refer to desktop hardware

configurations (i.e., “desktop PCs” or “desktop computers”) because there is no support for his conclusions in the Robertson reference, the ’879 patent, or contemporaneous documents that I have considered.

9. Throughout this declaration, I refer to specific pages, figures, and/or line numbers of various exhibits. These citations are illustrative and are not intended to suggest that they are the only support for the propositions for which they are cited.

II. QUALIFICATIONS

10. My qualifications have been provided in my prior declaration. Ex-1003, ¶¶7-30.

III. MATERIALS CONSIDERED

11. In forming my opinions, I have reviewed my prior declaration, the following additional documents, and any other document cited in this declaration or my previous declaration:

Exhibit	Description
Ex-2019	Second Declaration of Craig C. Rosenberg
Ex-1033	Excerpt from <i>Newton’s Telecom Dictionary</i> (CMP Books 17th ed. 2001) (definition of “desktop”)
Ex-1034	Excerpt from <i>Barron’s Dictionary of Computer and Internet Terms</i> (Barron’s Educational Series, Inc. 7th ed. 2000) (definition of “desktop”)

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