UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CODE200, UAB; TESO LT, UAB; METACLUSTER LT, UAB; AND OXYSALES, UAB,
Petitioners
v.
LUMINATI NETWORKS LTD.,
Patent Owner

Case IPR2020-01266

Patent 10,257,319

DECLARATION OF DR. V. THOMAS RHYNE

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

1 INTRODUCTION

I, Dr. V. THOMAS RHYNE, declare the following:

1. I have been retained as an independent expert in this matter by counsel for Patent Owner Luminati Networks Ltd. ("Luminati"). I have been asked to provide my opinions on certain references in the above-identified IPR proceedings (IPR2020-01266) involving US Patent 10,257,319 ("the '319 patent hereafter). Those references are:

    a. *Crowds: Anonymity for Web Transactions* ("Crowds" (Ex. 1011));

    b. United States Patent 6,795,848 ("Border" (Ex. 1017)); and,

    c. *MorphMix - A Peer-to-Peer-based System for Anonymous Internet Access* ("MorphMix" (Ex. 1013))

2. I have reviewed each of these references.

3. I am being paid for my work preparing this declaration at my normal consulting rate plus reimbursement of direct expenses. My compensation is not tied to the outcome of this matter and is not based on the substance of the opinions that I provide.

1.1 My Qualifications

4. My background and qualifications as a technical expert for this matter are summarized below.

5. I hold degrees from Mississippi State University (Bachelors of Science in Electrical Engineering with Honors, 1962), the University of Virginia (Masters of Electrical Engineering in 1964), and the Georgia Institute of Technology (Ph.D. in Electrical Engineering, 1967). I have been a Registered Professional Engineer in the State of Texas since 1969. I have also been a Registered Patent Agent with the U.S. Patent and Trademark Office (the "USPTO") since 1999.

6. I taught electrical engineering, computer engineering, computer architecture, and computer science at the undergraduate and graduate levels full-time at Texas A&M University from 1967 to 1983 and part-time at the graduate level at the University of Texas from 1983 to 1991. My twenty-plus years of industrial experience include work at the Electric Power Research Institute, Texas Instruments, Control Data Corporation, NASA, Texas Digital Systems, Inc. (a company I co-founded to produce microprocessor-based computer peripherals in 1976), the Microelectronics and Computer Technology Corporation (MCC), and Motorola, Inc.

7. I have extensive experience with computer technology, including design and teaching experience with a variety of computer systems, microcomputer systems, and microcontrollers. I have participated in the design of several computer systems and microprocessors and have designed systems which

made use of those devices as controllers. I am familiar with a variety of computer architectures and am an experienced programmer in a variety of programming languages as well as assembly-level language on a number of different computers and microprocessors. I have been an Internet user since the early 1990's.

8. Based on my academic and consulting experience, I am familiar with a variety of computer interfaces, website operations, and data-communications protocols. I have managed large and complex software-development programs, and I have been and am familiar with the Internet and its use for providing both data and services to its users. Prior to joining MCC, I was responsible for bringing access to the ARPANET to Texas A&M University, an activity which gave me insight and experience with the exchange of information over wide-area networks.

9. My experience has also included the use of a variety of networked communications systems, including use of the ARPANET and extensive use of the Internet itself as that system came into being in the early 1990s. I also coordinated MCC's initial access to the ARPANET, and later to the Internet. I am an experienced user of numerous search engines, including Google Chrome, Internet Explorer, Microsoft Edge, and Mozilla Firefox. In addition, in the early 1990s, MCC researchers developed "EINet Galaxy,"

one of the first web browsers with search engine capabilities; I was one of the alpha testers for that effort.[1] I also managed distributed database development for several years at MCC, as well as MCC's successful research and development program on Internet-based credit card fraud detection using neural networks.

10. I have worked as a technical expert on patent cases dealing with complex software systems, the provision of secured communication using SSL/TLS during web sessions conducted with cellular telephones, and with remotely accessed home security systems. My litigation work has also included cases dealing with XML and HTTP.

11. While working at MCC in 1994 I was assigned to represent MCC and its participating companies in the planning efforts of the U.S. Technology Policy Working Group addressing the technical challenges associated with the planned National Information Infrastructure (NII). In that role I

[1] The EiNet program was spun-out of MCC in April of 1995. *See*, for example, https://www.einet.net/static/history.htm ("Launched in January 1994, Galaxy/EiNet was the first searchable Internet directory. Galaxy was created as part of the EiNet division at the MCC Research Consortium at the University of Texas, Austin. The original initiative was to develop tools for large-scale directory services to support electronic commerce.") *Also see* the webpages available at http://www.bizjournals.com/austin/stories/2000/06/12/story7. Many of the researchers who worked in the EINet Program had previously worked for me as part of the MCC CAD Program."

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