UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

MEMORYWEB, LLC,
Patent Owner.

———————————————

Case No. IPR2022-00031
U.S. Patent No. 10,621,228

———————————————

THIRD DECLARATION OF JEFFREY P. KUSHAN

I, Jeffrey P. Kushan, make the following Declaration pursuant to 28 U.S.C.
§ 1746:

1.   I am a partner at the law firm of Sidley Austin LLP.

2.   I provide this declaration in connection with the above-identified
inter partes proceeding pending before the United States Patent and Trademark
Office by Apple Inc. against MemoryWeb, LLC under 35 U.S.C. § 311, 37
C.F.R. § 42.104. Unless otherwise stated, the facts stated in this Declaration are
based on my personal knowledge.

3.   In ¶ 13 of the Declaration of Ms. Jennifer Hayes (Exhibit 2113),
Ms. Hayes states that "Exhibit 2099 is a true and correct comparison between
Ex. 1005 (A3UM) and Exhibit 2017." *See* Declaration of Jennifer Hayes, Ex.
2113 at ¶ 13. In ¶ 13, Ms. Hayes also states "Exhibit 2113 was generated using
Litera Workshare Compare software." *See id.* Exhibit 2113 in the second
sentence appears to be a typo and is presumably Exhibit 2099, which is
putatively a comparison of Exhibits 1005 and 2017.

4.   The examples below show that Exhibit 2107 is different from
Exhibit 1005 in at least these instances. The examples also demonstrate that the
redline portrayed by Exhibit 2099 does not reflect differences in the content of
Exhibit 1005 and Exhibit 2017. In the examples, I have added red boxes to

highlight the differences in the content of the two exhibits that were not captured

in the redline portrayed by Exhibit 2099.

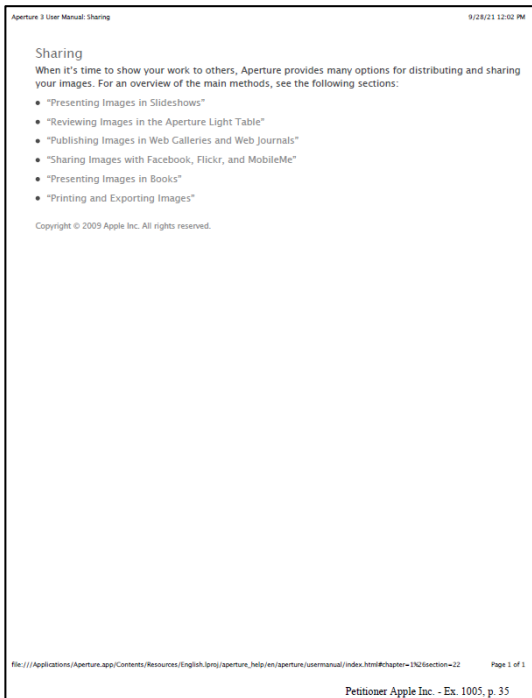5.   Example 1:

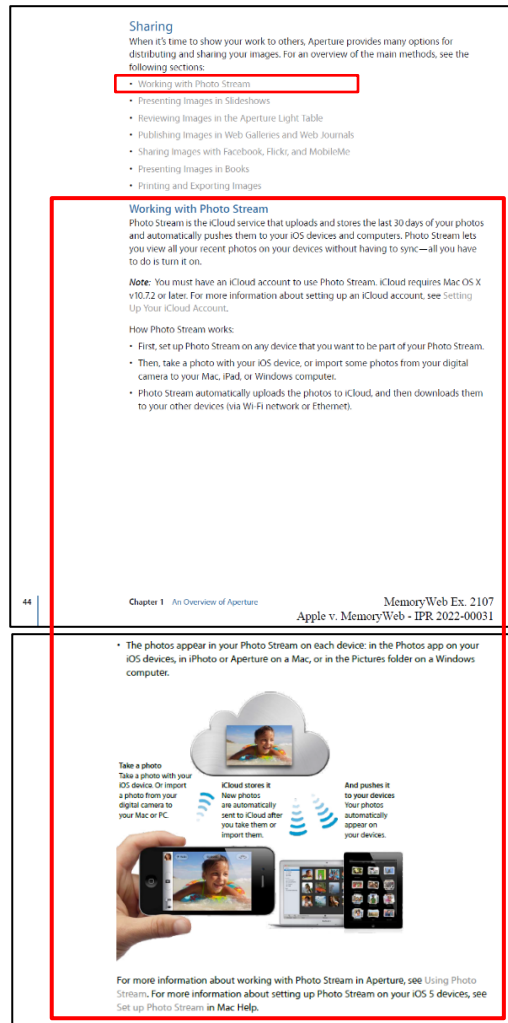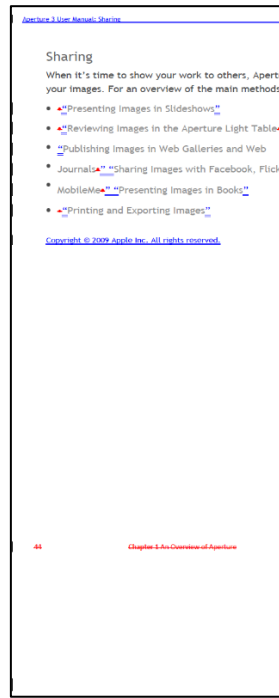<u>Exhibit 1005 at 35</u>   <u>Exhibit 2107 at 44-45</u>   <u>Exhibit 2</u>

Third Declaration o

6. Example 2:

Exhibit 1005 at 55	Exhibit 2107 at 64	Exhibit 2

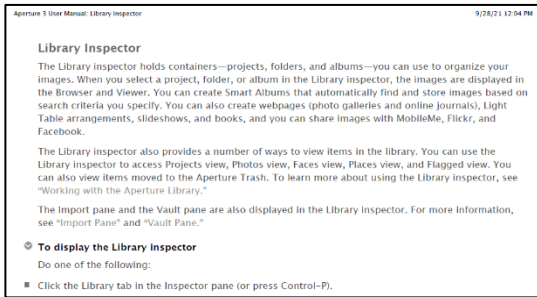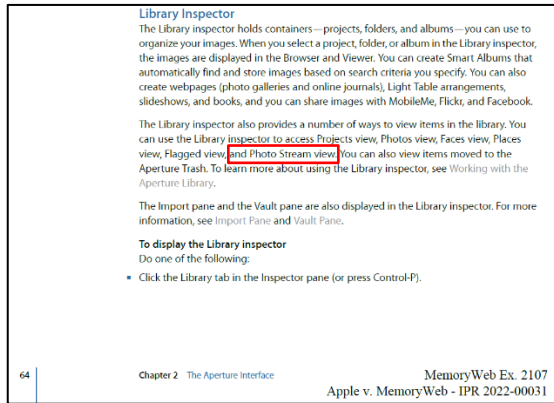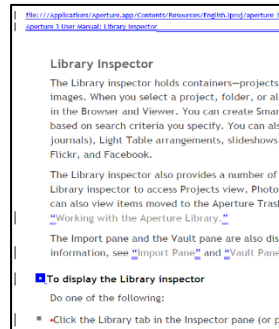# DOCKET ALARM

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