

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MEMORYWEB, LLC,
Patent Owner.

Case No. IPR2022-00033
U.S. Patent No. 10,423,658

DECLARATION OF JEFFREY P. KUSHAN

Petitioner Apple Inc., Ex. 1091, p. Cover

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* and post grant review proceedings 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. For each of the exhibits addressed below, an exhibit label and page numbers have been added, but no other alterations have been made. Where the exhibit is a PDF generated from a webpage displayed in a web browser, the PDF may contain information in the header and footer (e.g., the URL, the title of the page being displayed or similar items), which was generated automatically by the web browser displaying the page.

4. Exhibit 1066 is a true and correct copy of excerpts from *Learn Mac OS X Snow Leopard*, a book authored by Scott Meyers and Mike Lee (© 2009). I personally purchased and downloaded this book from the following URL on the SpringerLink.com website (<https://link.springer.com/book/10.1007/978-1-4302-1947-7>).

5. Exhibit 1067 is a true and correct copy of the web page available from the Internet Archive at the following URL:
<https://web.archive.org/web/20100201093806/http://apress.com/book/view/9781430219460>.

6. Exhibit 1068 is a true and correct copy of a set of web pages available from the Internet Archive at the URLs listed below:

a) Page 1 of Exhibit 1068 (“Mac Dev Center”) is a true and correct copy of the web page available from the following URL:
<https://web.archive.org/web/20100414095727/http://developer.apple.com:80/macos/development/mac-dev-center/>.

b) Pages 2-3 of Exhibit 1068 (“Mac OS X Reference Library”) are a true and correct copy of the web page available from the following URL:
<https://web.archive.org/web/20100504092324/http://developer.apple.com/mac/library/navigation/>.

7. Exhibit 1069 is a true and correct copy of a PDF entitled “*Mac OS X Technology Overview*” from Apple Inc. (© 2004, 2009) available from the Internet Archive at the following URL:
https://web.archive.org/web/20101113134432mp_/http://developer.apple.com/library/mac/documentation/MacOSX/Conceptual/OSX_Technology_Overview/OSX_Technology_Overview.pdf.

8. Exhibit 1070 is a true and correct copy of a set of web pages available from the Internet Archive at the URLs listed below:

a) Pages 1-2 of Exhibit 1070 (“Introduction”) are a true and correct copy of the web page available from the following URL:

<https://web.archive.org/web/20100525020133/http://developer.apple.com/mac/library/documentation/corefoundation/conceptual/CFBundles/Introduction/Introduction.html>.

b) Pages 3-7 of Exhibit 1070 (“About Bundles”) are a true and correct copy of the web page available from the following URL:

<https://web.archive.org/web/20100518063556/http://developer.apple.com/mac/library/documentation/corefoundation/conceptual/CFBundles/AboutBundles/AboutBundles.html>.

c) Pages 8-26 of Exhibit 1070 (“Bundles Structures”) are a true and correct copy of the web page available from the following URL:

<https://web.archive.org/web/20100515101347/http://developer.apple.com/mac/library/documentation/corefoundation/conceptual/CFBundles/BundleTypes/BundleTypes.html>.

d) Pages 27-40 of Exhibit 1070 (“Accessing a Bundle’s Contents”) are a true and correct copy of the web page available from the following URL:

<https://web.archive.org/web/20100516163746/http://developer.apple.com:80/mac/library/documentation/corefoundation/conceptual/CFBundles/AccessingaBundlesContents/AccessingaBundlesContents.html>.

e) Pages 41-42 of Exhibit 1070 (“Document Packages”) are a true and correct copy of the web page available from the following URL:

<https://web.archive.org/web/20100711125826/http://developer.apple.com/mac/library/DOCUMENTATION/CoreFoundation/Conceptual/CFBundles/DocumentPackages/DocumentPackages.html>.

9. Exhibit 1071 is a true and correct copy of a set of web pages available from the Internet Archive at the URLs listed below:

a) Pages 1-2 of Exhibit 1071 (“Introduction”) are a true and correct copy of the web page available from the following URL:

<https://web.archive.org/web/20100114164340/http://developer.apple.com/mac/library/documentation/Cocoa/Conceptual>LoadingResources/Introduction/Introduction.html>.

b) Pages 3-6 of Exhibit 1071 (“About Resources”) are a true and correct copy of the web page available from the following URL:

https://web.archive.org/web/20091122060420/http://developer.apple.com/mac/library/DOCUMENTATION/Cocoa/Conceptual>LoadingResources/MOSXResources/MOSXResources.html#//apple_ref/doc/uid/10000051i-CH3-SW1.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.