

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner.

IPR2022-00120
U.S. Patent No. 9,997,962

**DECLARATION OF DR. JOSHUA PHINNEY,
UNDER 37 C.F.R. § 1.68 IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW**

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I, Joshua Phinney, do hereby declare as follows:

I. INTRODUCTION

1. I am making this declaration at the request of Apple Inc. in the matter of the *Inter Partes* Review of U.S. Patent No. 9,997,962 (“the ’962 Patent”) to Bae *et al.*

2. I am being compensated for my work in this matter at my standard 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 outcome of this matter or the specifics of my testimony.

3. I have been asked to provide my opinions regarding whether claims 1-4, 7-8, and 18-19 (“the Challenged Claims”) of the ’962 Patent are unpatentable as they would have been obvious to a person having ordinary skill in the art (“POSITA”) at the time of the alleged invention, in light of the prior art. It is my opinion that all of the limitations of the challenged claims would have been obvious to a POSITA.

4. In the preparation of this declaration, I have studied:

- a. the ’962 Patent, Ex.1001;
- b. the prosecution history of the ’962 Patent (“’962 File History”),

Ex.1002;

- c. U.S. Patent No. 8,421,574 to Suzuki *et al.* (“Suzuki”), Ex.1005; and

- d. U.S. Patent No. 9,252,611 to Lee (“Lee”), Ex.1006.
- e. U.S. Patent No. 8,922,162 to Park (“Park”), Ex.1007;
- f. U.S. Patent No. 9,443,648 to Sawa (“Sawa”), Ex.1008;
- g. U.S. Patent Application Pub. No. 2014/0315016, Ex.1009;
- h. U.S. Patent No. 8,427,100, Ex.1010;
- i. U.S. Patent No. 8,687,536, Ex.1011;
- j. U.S. Patent No. 7,161,650, Ex.1012;
- k. U.S. Patent No. 9,360,456, Ex.1013;
- l. U.S. Patent No. 9,667,086, Ex.1014;
- m. U.S. Patent No. 9,306,411, Ex.1017; and
- n. Websters II New College Dictionary: Third Edition, (2005), Ex.1018.

5. In forming the opinions expressed below, I have considered:

the documents listed above;

the relevant legal standards, including the standard for obviousness,

and any additional authoritative documents as cited in the body of this

declaration; and my own knowledge and experience based upon my work in

the field of networking as described below.

6. Unless otherwise noted, **emphasis** in quoted material has been added.

Claim terms are presented in *italics*. Any citations are to exhibits’ original page numbers.

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