UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner

U.S. PATENT NO. 10,142,810

Case IPR2022-00202

**SUPPLEMENTAL DECLARATION OF DR. KEVIN ALMEROTH
PURSUANT TO 37 C.F.R. 42.64(b)(2)**

LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 10,142,810
1002	File History of U.S. Patent No. 10,142,810
1003	Declaration of Dr. Kevin Almeroth in Support of *Inter Partes Review* of U.S. Patent No. 10,142,810
1004	*Curriculum Vitae* of Dr. Kevin Almeroth
1005	U.S. Provisional Patent Application No. 60/527,565
1006	U.S. Provisional Patent Application No. 60/689,686
1007	U.S. Patent Application 2002/0116461 ("Diacakis")
1008	U.S. Patent Application 2004/0001480 ("Tanigawa")
1009	U.S. Patent No. 7,428,580 ("Hullfish")
1010	Patent Owner's Infringement Contentions
1011	Texas Litigation Proposed Scheduling Order
1012	Fourteenth Supplemental Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic
1013	Judge Albright's Standing Order re Inter-District Transfer
1014	Kurose, J. and Ross, K., Computer Networking: A Top-Down Approach Feature the Internet (2000)
1015	Kuehn, S., A Play Theory Analysis of Computer-Mediated Telecommunication (Apr. 20, 1990)
1016	Telecomputing in Japan
1017	Hernandez, R., ECPA and Online Computer Privacy (1988)
1018	Miller, A., Applications of Computer Conferencing to Teacher Education and Human Resource Development (1991)
1019	Benimoff, N. and Burns, M., Multimedia User Interfaces for Telecommunications Products and Services (1993)

Exhibit No.	Description
1020	Falconer, W. and Hooke, J., Telecommunications Services in the Next Decade (1986)
1021	Hine, N.A., et al., An Adaptable User Interface to a Multimedia Telecommunications Conversation Service for People with Disabilities (1995)
1022	Bazaios, A., et al., Multimedia Architecture Offering Open Distance Learning Services over Internet
1023	Stein, J., et al., Chat and Instant Messaging Systems (2002)
1024	U.S. Patent Application 2002/ 0183114 ("Takahashi")
1025	U.S. Patent No. 6,241,612 ("Heredia")
1026	U.S. Patent Application 2003/0216178 ("Danieli")
1027	International Patent Application WO 01/45343 ("Davies")
1028	Grinter, R. and Palen, L., Instant Messaging in Teen Life (2002)
1029	File History of U.S. Patent No. 7,729,688
1030	File History of U.S. Patent No. 8,744,407
1031	File History of U.S. Patent No. 9,204,268
1032	File History of U.S. Patent No. 9,736,664
1033	U.S. Patent No. 10,142,810 Claim Listing
1034	Patil, S. and Kobsa, A., The Challenges in Preserving Privacy in Awareness Systems (2003)
1035	Internet Engineering Task Force RFC 2779 (Instant Messaging/Presence Protocol Requirements) (2000)
1036	Declaration of Yimeng Dou Pursuant to 37 C.F.R. 42.64(b)(2)
1037	Declaration of Jennifer A. Babbitt Pursuant to 37 C.F.R. 42.64(b)(2)
1038	Supplemental Declaration of Dr. Kevin Almeroth Pursuant to 37 C.F.R. 42.64(b)(2)

I, Dr. Kevin C. Almeroth, hereby declare as follows:

1. I have been retained as an expert witness on behalf of Epic Games, Inc. ("Epic Games" or "Petitioner") to offer technical opinions in connection with the above-captioned Petition for *Inter Partes* Review ("IPR") of U.S. Patent No. 10,142,810 ("the '810 Patent"). I previously submitted a declaration containing my technical opinions, which I incorporate by reference here, including my discussion of the technological background of the '810 Patent. Ex. 1003, ¶¶ 47–57; *see generally id.*

2. I understand that Patent Owner has objected to the authenticity of certain exhibits that I cited in my initial declaration. Specifically, I understand that, among other objections, Patent Owner has objected to the authenticity of Exhibits 1014–1023, 1028, 1034, and 1035. I submit this declaration as supplemental evidence under 37 C.F.R. § 42.64(b)(2).

3. Exhibits 1014 (Kurose and Ross) and 1021 (Hine) are chapters of books covering technical subject matter. In my initial declaration, I used these exhibits to show what a POSITA would have known at the time of the '810 Patent. *See* Ex. 1003, ¶¶ 47–57. As an expert, I routinely rely on these types of books in rendering my opinions, including opinions related to patent invalidity.

4. Exhibits 1015 (Kuehn), 1018 (Cruz), 1022 (Bazaios), and 1028 (Grinter) are papers presented at technical conferences. In my initial declaration, I

used them to show what a POSITA would have known at the time of the '810 Patent. *See* Ex. 1003, ¶¶ 47–57. As an expert, I routinely rely on these types of conference papers in rendering my opinions, including opinions related to patent invalidity.

5.   Exhibits 1016 (Telecomputing in Japan), 1017 (Hernandez), 1019 (Benimoff), 1020 (Falconer), 1023 (Stein), and 1034 (Patil) are scholarly articles published in journals. In my initial declaration, I used them to show what a POSITA would have known at the time of the '810 Patent. *See* Ex. 1003, ¶¶ 47–57. As an expert, I routinely rely on these types of articles in rendering my opinions, including opinions related to patent invalidity.

6.   As I previously explained, Exhibit 1035 is an RFC (or "request for comments") authored by the Internet Engineering Task Force (IETF). *See* Ex. 1003, ¶ 49. The IETF develops standards documents that define protocols governing the Internet, including TCP, IP, HTTP, and SMTP. *See id.* In my initial declaration, I used the RFC to show what a POSITA would have known at the time of the '810 Patent. *See* Ex. 1003, ¶¶ 47–57, 212–14. As an expert, I routinely rely on these types of standards documents in rendering my opinions, including opinions related to patent invalidity—especially in cases involving communications standards or protocols.

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