

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. 10,492,038

Case IPR2022-00295

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

LIST OF EXHIBITS

| Exhibit No. | Description |
|-------------|---|
| 1001 | U.S. Patent No. 10,492,038 |
| 1002 | File History of U.S. Patent No. 10,492,038 |
| 1003 | Declaration of Dr. Kevin Almeroth in Support of <i>Inter Partes Review</i> of U.S. Patent No. 10,492,038 |
| 1004 | <i>Curriculum Vitae</i> 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 | Unused |
| 1008 | U.S. Patent No. 7,287,056 (“Loveland”) |
| 1009 | U.S. Patent Application 2002/0183114 (“Takahashi”) |
| 1010 | U.S. Patent Application 2004/0001480 (“Tanigawa”) |
| 1011 | U.S. Patent No. 7,428,580 (“Hullfish”) |
| 1012 | IngenioShare’s Infringement Contentions in Texas Litigation |
| 1013 | Texas Litigation Proposed Scheduling Order |
| 1014 | Fourteenth Supplemental Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic |
| 1015 | Judge Albright’s Standing Order re Inter-District Transfer |
| 1016 | Kurose, J. and Ross, K., Computer Networking: A Top-Down Approach Feature the Internet (2000) |
| 1017 | Kuehn, S., A Play Theory Analysis of Computer-Mediated Telecommunication (Apr. 20, 1990) |
| 1018 | Telecomputing in Japan |
| 1019 | Hernandez, R., ECPA and Online Computer Privacy (1988) |

| Exhibit No. | Description |
|-------------|---|
| 1020 | Miller, A., Applications of Computer Conferencing to Teacher Education and Human Resource Development (1991) |
| 1021 | Benimoff, N. and Burns, M., Multimedia User Interfaces for Telecommunications Products and Services (1993) |
| 1022 | Falconer, W. and Hooke, J., Telecommunications Services in the Next Decade (1986) |
| 1023 | Hine, N.A., et al., An Adaptable User Interface to a Multimedia Telecommunications Conversation Service for People with Disabilities (1995) |
| 1024 | Bazaios, A., et al., Multimedia Architecture Offering Open Distance Learning Services over Internet |
| 1025 | Stein, J., et al., Chat and Instant Messaging Systems (2002) |
| 1026 | U.S. Patent No. 6,241,612 (“Heredia”) |
| 1027 | U.S. Patent Application 2003/0216178 (“Danieli”) |
| 1028 | International Patent Application WO 01/45343 (“Davies”) |
| 1029 | Grinter, R. and Palen, L., Instant Messaging in Teen Life (2002) |
| 1030 | File History of U.S. Patent No. 8,744,407 |
| 1031 | File History of U.S. Patent No. 9,736,664 |
| 1032 | U.S. Patent No. 10,492,038 Claim Listing |
| 1033 | U.S. Patent No. 6,828,924 (“Gustavsson”) |
| 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 | File History of U.S. Patent No. 9,204,268 |
| 1037 | Declaration of Yimeng Dou Pursuant to 37 C.F.R. 42.64(b)(2) |
| 1038 | Declaration of Jennifer A. Babbitt Pursuant to 37 C.F.R. 42.64(b)(2) |

| Exhibit No. | Description |
|------------------------|---|
| 1039 | 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. 10,492,038 (“the ’038 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 ’038 Patent. Ex. 1003, ¶¶ 61–71; *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 1016–1025, 1029, and 1034–1035. I submit this declaration as supplemental evidence under 37 C.F.R. § 42.64(b)(2).

3. Exhibits 1016 (Kurose and Ross) and 1023 (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 ’038 Patent. *See* Ex. 1003, ¶¶ 61–71. As an expert, I routinely rely on these types of books in rendering my opinions, including opinions related to patent invalidity.

4. Exhibits 1017 (Kuehn), 1020 (Cruz), 1024 (Bazaios), and 1029 (Grinter) are papers presented at technical conferences. In my initial declaration, I

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