

DOCKET NO.: 337722-000232

Filed on behalf of Apple Inc.

By: Larissa S. Bifano, Reg. No. 59,051  
Jonathan Hicks, Reg. No. 75,195  
Joseph Wolfe Reg. No. 73,173  
DLA Piper LLP (US)  
33 Arch Street, 26th Floor  
Boston, Massachusetts 02110-1447  
Email: Larissa.Bifano@dlapiper.com

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

APPLE INC.,

Petitioner

v.

BILLJCO LLC,

Patent Owner

IPR2022-00310

**DECLARATION OF THOMAS LA PORTA, PH.D.  
REGARDING CLAIMS 1, 2, 5, 20, 24, 25, 28, and 43  
OF U.S. PATENT NO. 9,088,868**

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	BACKGROUND AND QUALIFICATIONS.....	1
III.	MATERIALS CONSIDERED.....	6
IV.	LEGAL STANDARDS .....	8
V.	OVERVIEW OF THE '868 PATENT .....	11
A.	Summary of the '868 Patent.....	11
B.	Prosecution History .....	12
C.	Level of Ordinary Skill in the Art.....	13
D.	Priority Date .....	13
E.	Exemplary Claim.....	14
VI.	CLAIM CONSTRUCTION .....	17
VII.	SUMMARY OF OPINIONS.....	17
A.	Ground 1: Claims 1, 2, 5, 20, 24, 25, 28, and 43 are obvious over Haberman .....	18
1.	Overview of Haberman.....	19
2.	Claims 1 and 24 are obvious over Haberman.....	22
3.	Claims 2 and 25 are obvious over Haberman.....	41
4.	Claims 5 and 28 are obvious over Haberman.....	42
5.	Claims 20 and 43 are obvious over Haberman.....	44
B.	Ground 2: Claim 1, 2, 5, 20, 24, 25, 28, and 43 are obvious over Haberman in view of Boger .....	46

1.	Overview of Boger.....	46
2.	Claims 1 and 24 are obvious over Haberman in view Of Boger.....	46
3.	Claims 2 and 25 are obvious over Haberman and Boger .....	60
4.	Claims 5 and 28 are obvious over Haberman and Boger .....	60
5.	Claims 20 and 43 are obvious over Haberman and Boger .....	62
C.	Ground 3: Claim 1, 2, 5, 20, 24, 25, 28, and 43 are obvious over Haberman in view of Evans .....	63
1.	Overview of Evans.....	63
2.	Claims 1 and 24 are obvious over Haberman in view of Evans.....	64
3.	Claims 2 and 25 are obvious over Haberman and Evans .....	70
4.	Claims 5 and 28 are obvious over Haberman and Evans .....	71
5.	Claims 20 and 43 are obvious over Haberman and Evans .....	71
D.	Ground 4: Claim 1, 2, 5, 20, 24, 25, 28, and 43 are obvious over Haberman in view of Boger and Evans.....	72
1.	Claims 1 and 24 are obvious over Haberman in view of Boger Evans .....	72
2.	Claims 2 and 25 are obvious over Haberman, Boger, and Evans.....	76
3.	Claims 5 and 28 are obvious over Haberman in view of Boger and Evans .....	76

4. Claims 20 and 43 are obvious over Haberman in view of  
Boger and Evans .....77

VIII. CONCLUSION.....77

I, Thomas La Porta, Ph.D., declare as follows:

## **I. INTRODUCTION**

1. My name is Thomas F. La Porta, and I have been retained by counsel for Petitioner Apple Inc. (“Petitioner”) to analyze U.S. Patent No. 9,088,868 (“’868 patent” “EX1001”) and to provide my opinions regarding the patentability of claims 1, 2, 5, 20, 24, 25, 28, and 43 of the ’868 patent.

2. I am being compensated at my normal consulting rate of \$550 per hour for my time. My compensation is not contingent on the outcome of this proceeding, or of any proceedings relating to the ’868 patent.

## **II. BACKGROUND AND QUALIFICATIONS**

3. I am the Director of the School of Electrical Engineering and Computer Science at Penn State University. I am also an Evan Pugh Professor and the William E. Leonhard Professor in the Department of Computer Science and Engineering and the Department of Electrical Engineering at Penn State University. I was the founding Director of the Institute of Networking and Security Research at Penn State. I have worked on telecommunications networks since 1986.

4. I received my B.E. and M.E. in Electrical Engineering from The Cooper Union for the Advancement of Science and Art in 1986 and 1987,

# 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.