UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner.

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IPR2022-00351
U.S. Patent No. 10,622,842

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**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, Dr. Joshua Phinney, do hereby declare as follows:

I.   INTRODUCTION

1.   I am making this declaration at the request of Cisco Systems, Inc. in the matter of the *Inter Partes* Review of U.S. Patent No. 10,622,842 ("the '842 Patent") to Lee *et al*.

2.   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, and I have no other interest in this case or the parties thereto.

3.   I have been asked to provide my opinions regarding whether claims 1, 2, 5, 6, 7, 14-16, 19, and 20 ("the Challenged Claims") of the '842 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 '842 Patent, Ex.1001;

b.   the prosecution history of the '842 Patent ("'842 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. 8,922,162 to Park et al. ("Park"), Ex.1006.

   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, as well as the following materials.

   e.   Prosecution History of U.S. Patent No. 10,153,666, Ex.1007;

   f.   U.S. Patent No. 10,069,346, Ex.1008;

   g.   U. S. Patent Publication No. 2010/0203831 to Muth ("Muth"),

Ex.1009; and

   h.   U.S. Patent No. 8,687,537 to Michaelis ("Michaelis"), Ex.1010; and

   i.   A redline comparison between U.S. Patent No. 10,069,346

specification in the issued patent (text taken from USPTO website) with the as-

filed specification of U.S. Patent No. 10,153,666 (text taken from publication

2017/0338697 on the USPTO website, which represents the as-filed specification

of the '666 patent); Ex.1011.

   6.   Unless otherwise noted, all emphasis in any quoted material has been

added.

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