

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC

Petitioner

v.

SPEIR TECHNOLOGIES LTD.

Patent Owner

IPR2022-00987
U.S. Patent 7,321,777

**DECLARATION OF MICHAEL BRAASCH, PH.D., UNDER 37 C.F.R.
§ 1.68 IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 7,321,777**

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I, Michael Braasch, do hereby declare as follows:

I. INTRODUCTION

1. I have been retained by counsel for Unified Patents Inc. (“Unified” or “Petitioner”) as an independent expert witness for the above-captioned Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 7,321,777 (“the ’777 patent”). I am being compensated at my usual and customary rate for the time I spend in connection with this IPR. My compensation is not affected by the outcome of this IPR. I make this declaration based upon my own personal knowledge and, if called upon to testify, would testify competently to the matters stated herein.

2. I have been asked to provide my opinions regarding whether claims 1-3 and 5-25 (each a “Challenged Claim” and collectively the “Challenged Claims”) of the ’777 patent are unpatentable as they would have been anticipated by the prior art or obvious to a person having ordinary skill in the art (“POSITA”) as of the earliest claimed priority date of the ’777 patent. It is my opinion that all of the Challenged Claims would have been obvious to a POSITA, after reviewing the prior art discussed below.

3. In preparing this Declaration, I have reviewed:
- a) EX1001, the ’777 patent;
 - b) the prior art references discussed below:

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- U.S. Patent Application Publication 2003/0174048 (filed December 13, 2002, published September 18, 2003) (“*McCorkle*” (EX1003));
 - U.S. Patent 7,203,500 (filed August 1, 2003, issued April 10, 2007) (“*Leeper*” (EX1004)); and
 - U.S. Patent 5,381,444 (filed October 30, 1992, issued January 10, 1995) (“*Tajima*” (EX1006));
- c) EX1008, the file history of the ’777 patent; and
- d) any other document cited below.

4. I understand that the ’777 patent issued on January 22, 2008 from U.S. Patent Application No. 11/531,487 (“the ’487 application”), filed on September 13, 2006. I understand that the ’487 application is a continuation of U.S. Application 10/767,794, filed January 29, 2004. The face of the ’777 Patent lists Thomas Jay Billhartz, Vivek Krishna, and Steve Kopman as the purported inventors. I understand that Speir Technologies Ltd. is the current assignee of the ’777 patent.

5. To the best of my knowledge, I have no financial interest in Petitioner. Petitioner’s counsel has informed me that Speir Technologies Ltd. purports to own the ’777 patent. To the best of my knowledge, I have no financial interest in Speir Technologies Ltd. To the best of my knowledge, I similarly have no financial interest in the ’777 patent. To the extent any mutual funds or other investments that I own

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have a financial interest in the Petitioner, Unified Patents, LLC, the Patent Owner, Speir Technologies Ltd., or the '777 patent, I am not aware of, nor do I have control over, any financial interest that would affect or bias my judgment.

6. In forming the opinions expressed in this Declaration, I relied upon my education and experience in the relevant field of art, and have considered the viewpoint of a Person of Ordinary Skill in the Art (POSITA), as of January 29, 2004.

I have also considered:

- a) the documents listed above,
- b) any additional documents and references cited in the analysis below,
- c) the relevant legal standards, including the standards for anticipation and obviousness, and
- d) my knowledge and experience based upon my work in this area as described below.

7. I understand that claims in an IPR are construed according to the same claim construction standard as one would use in a District Court proceeding.

II. BACKGROUND AND QUALIFICATIONS

8. My complete qualifications and professional experience are described in my curriculum vitae, a copy of which is attached as Appendix A to this

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