

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC
Patent Owner.

Case IPR2022-01222

Patent 8,982,863 B1

**DECLARATION OF DR. TODOR COOKLEV
IN SUPPORT OF PATENT OWNER'S RESPONSE**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND AND EXPERIENCE.....	2
III.	MATERIALS REVIEWED AND CONSIDERED	5
IV.	LEVEL OF ORDINARY SKILL.....	6
V.	CLAIM CONSTRUCTION	8
VI.	LEGAL STANDARDS	8
VII.	THE PETITION USES THE SAME ELEMENT FROM AHOPELTO FOR A SERVER AND NETWORK SWITCH BOX.....	11
VIII.	AHOPELTO DOES NOT TEACH OR SUGGEST “SERVER FUNCTIONALITY” IN COMMUNICATION WITH A PLURALITY OF NETWORK DEVICES (CLAIM 1).....	16
IX.	AHOPELTO FAILS TO TEACH OR SUGGEST THE ALLEGED “SERVER FUNCTIONALITY” IS CONFIGURED FOR COMMUNICATION WITH A SECOND NETWORK SWITCH BOX (CLAIM 14).....	17
X.	THE ALLEGED COMBINATION DEOS NOT DISCLOSE OR RENDER OBVIOUS CLAIM 4.....	20
XI.	THE ALLEGED COMBINATION DOES NOT TEACH OR SUGGEST CLAIM 6	26
XII.	THE ALLEGED COMBINATION FAILS TO TEACH OR SUGGEST AN OPTIMAL PATH FOR A SPECIFIC DATA STREAM FLOW AS REQUIRED BY CLAIM 19.....	28
XIII.	AN “ACCESS SERVER” DOES NOT RENDER OBVIOUS LIMITATIONS OF CLAIMS 4–6, AND 24	30

I. INTRODUCTION

1. My name is Todor V. Cooklev. I have been retained as an expert witness to provide my independent opinion in regard to the matters at issue in *inter partes* review of U.S. Patent No. 8,982,863 (“the ’863 patent”) in IPR2022-01222. I have been retained by Smart Mobile Technologies LLC (“Smart Mobile”), the Patent Owner in the above proceeding. The Petitioner is Apple Inc. (“Petitioner”).

2. I am being compensated \$400 per hour for my time spent working in connection with this case. My compensation is in no way related to the outcome of this litigation. If called as a witness, I would testify as to the statements and opinions contained in this report.

3. I am over the age of eighteen and otherwise competent to make this declaration.

4. In formulating my opinions, I have relied upon my technical background and experience in the relevant art.

5. In formulating my opinions, I have considered each of the documents cited herein, in light of my general knowledge in the art. I provide my testimony from the perspective of a person of ordinary skill in the art at the time of the invention as Petitioner defined in its petition. I am familiar with the knowledge and skill level of these people based on my years of experience in the industry and frequent interactions with such people.

II. BACKGROUND AND EXPERIENCE

6. I am currently Professor of Electrical and Computer Engineering at Purdue University in Fort Wayne, Indiana. At the same institution since 2008, I have served in several faculty and administrative positions, including as the Director of the Wireless Technology Center, ITT Associate Professor of Wireless Communication and Applied Research, and subsequently as Harris Professor of Wireless Communication and Applied Research.

7. I graduated from the Technical University of Sofia, Bulgaria in 1988 with a Diploma of Engineering in the field of Electrical Engineering. I graduated from Tokyo Institute of Technology in Tokyo, Japan in 1995 with a Doctor of Philosophy (Ph.D.) degree in Electrical Engineering.

8. In 1997–1999, I was an engineer at 3Com Corp. where I worked on software and firmware development. At that time, 3Com was a leading computer networking and data communication company. Palm Computing, which had developed the PalmPilot, widely recognized as the first personal digital assistant (PDA), was a division of 3Com. Additionally, I participated in the Bluetooth Special Interest Group (SIG) on behalf of 3Com.

9. In 2007–2008 I served as Principal Investigator of a National Science Foundation grant awarded to the IEEE. This grant supported numerous undergraduate and graduate students to work on hardware and software projects

incorporating the IEEE standards. A significant number of software applications and hardware devices, connected to other devices and/or the Internet using wireless local or personal area networking standards were developed as a result of this funding.

10. I have contributed to the development of several major standards for communication systems and numerous amendments, including Bluetooth, DSL, Wi-Fi, cellular, and military radio systems. I have participated in many meetings of standards committees and prepared, submitted, and presented documents relating to technical matters considered by these committees. I have also drafted liaison letters among different standards committees. I have chaired some committee meetings and served in other leadership roles. For example, I have been a Voting Member of the IEEE 802.11 Working Group and served as Chairman of the IEEE Standards in Education Committee. I received an award from IEEE Standards Association in 2012.

11. My additional involvement with IEEE includes being elected to serve on the Board of Governors of the IEEE Standards Association in 2020 for one term beginning January 2021. The Board of Governors provides overall leadership of the IEEE Standards Association.

12. Also, I am the Series Editor for Wireless and Radio Communications for the IEEE Communications Standards Magazine (which is the premier journal in the field of communication standards) and have held that position since 2017. My

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.