

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC
Petitioner

v.

DYNAPASS IP HOLDINGS LLC
Patent Owner

Case No. IPR2023-00425
U.S. Patent 6,993,658

DECLARATION OF BRUCE MCNAIR

Table of Contents

I.	Background and Qualifications	5
II.	Legal Framework.....	8
A.	Obviousness.....	8
i.	General Framework.....	9
ii.	Analogous Art	10
iii.	Combining Known Elements in the Art, Common Sense.....	11
iv.	Teaching Away.....	14
v.	Secondary Considerations	14
B.	Claim Construction.....	16
i.	“Cell phone network”	17
ii.	“Not known to the user”	17
iii.	“a control module...configured to..”; “a communication module configured to..”; “an authentication module configured to...”	20
i.	“a control module...configured to”	21
ii.	“a communication module configured to”	21
iii.	“an authentication module configured to”.....	21
III.	Summary of my Opinions.....	22
IV.	Technical Background.....	23
A.	Security services.....	23
B.	Authentication techniques	26
i.	Passwords	26
ii.	Challenge response	27

iii.	One time passwords.....	29
iv.	Multifactor authentication	30
v.	Smart cards	31
C.	Time-bound access	32
V.	Level of Skill of a Person Having Ordinary Skill in the Art	33
VI.	Overview of U.S. Patent No. 6,993,658	34
A.	Prosecution History	39
VII.	Grounds of Unpatentability	41
A.	Ground 1: Claim 5 Is Obvious over <i>Veneklase</i> in view of <i>Jonsson</i> 41	
i.	Overview of <i>Veneklase</i>	41
ii.	Overview of <i>Jonsson</i>	43
iii.	Analogous Art	45
iv.	Claim 5	46
	Motivations to Combine <i>Veneklase</i> and <i>Jonsson</i>	60
B.	Ground 2: Claims 1 and 3-6 Are Obvious over <i>Kew</i> in view of <i>Sormunen</i>	75
i.	Overview of <i>Kew</i>	75
ii.	Overview of <i>Sormunen</i>	78
iii.	Analogous Art	79
iv.	Claim 5	80
	Motivations to Combine <i>Kew</i> and <i>Sormunen</i>	89
v.	Claim 6	104
vi.	Claim 1	105
vii.	Claim 3	109

viii. Claim 4 111
VIII. Conclusion 112

I. BACKGROUND AND QUALIFICATIONS

1. My name is Bruce McNair, and I am over 21 years old and otherwise competent to make this Declaration. I make this Declaration based on facts and matters within my own knowledge and on information provided to me by others, and, if called as a witness, I could and would competently testify to the matters set forth herein.

2. I have been retained as a technical expert witness in this matter by Counsel for the Petitioner, Unified Patents, LLC (“Petitioner”) to provide my independent opinions on certain issues requested by Counsel for Petitioner relating to the accompanying Petition for *Inter Partes* Review of U.S. Patent No. 6,993,658 (“the ’658 Patent”), challenging Claims 1 and 3-6 (the “Challenged Claims”). My compensation in this matter is not based on the substance of my opinions or on the outcome of this matter. I have been informed that Dynapass IP Holdings LLC (“Patent Owner”) is the purported owner of the ’658 Patent. I note that I have no financial interest in Petitioner or Patent Owner, and I have no other interest in the outcome of this matter.

3. I received my Bachelors of Engineering and Masters of Engineering - Electrical Engineering from the Stevens Institute of Technology in 1971 and 1974, respectively. I also completed qualifiers and course work for a Ph.D. in computer science.

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.