

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS INC.,
Petitioner

**DECLARATION OF JOSE MARIA DE CASTRO, JR.
UNDER 37 C.F.R. § 1.68 IN SUPPORT OF PETITION
FOR *INTER PARTES* REVIEW**

My name is Jose Maria de Castro, Jr.

I am over twenty-one years of age and not under any legal disability. I have personal knowledge of the following facts and, if called as a witness, could and would testify competently thereto.

I am making this Declaration at the request of Cisco Systems, Inc. Although I am being compensated for my time to prepare this Declaration, my compensation is not dependent on the outcome of this, or any other proceeding, or the specifics of this Declaration and/or my testimony.

Counsel for Cisco has asked that I prepare this Declaration to recount the details about my work on a telecommunications standard that published under the name: "XEP-0327: Rayo." I refer to this standard as the "Rayo Standard" throughout this Declaration.

Counsel for Cisco has provided me a document that bears a label identifying it as Exhibit 1009. I recognize this document (Exhibit 1009) as version 0.2 of the Rayo Standard. This document (Exhibit 1009) states that it was last updated on June 10, 2013. The June 10, 2013, date is consistent with my recollection of when version 0.2 of the Rayo Standard was published and became readily available.

Since January 2009, I served as the Chief Technology Officer of Tropo LLC. During that time, I led the company's technical strategy and participated actively in steering industry standards with various standards bodies. One standards body that I was particularly involved with, starting in 2010, is the XMPP Standards Foundation, which I refer to as XSF throughout this Declaration.

During my work with XSF, I became very familiar with its rules and procedures. I continue to be involved with XSF today and I believe that its rules and procedures have not changed since I became involved with XSF in 2010.

Back in 2013, as well as today, it was XSF's standard practice to encourage proposals from industry professionals to enhance and improve the contents of

XSF's telecommunications standards. These proposals were submitted, reviewed, and published as XMPP Extension Protocols (XEP) documents as part of XSF's regular business operations. It is my understanding that one of the reasons XSF encouraged these proposals was to expand the scope of XEP documents and to encourage their adoption by the telecommunication's industry. XSF's website, XMPP.org, was, and still is, a well-known website to telecom industry professionals and developers of telecom applications. Developers regularly visit XMPP.org and access XEP documents to understand how to use XMPP protocols in their services.

Back in 2013, as well as today, XSF's XEP documents were publicly available, free of charge, to any interested person at the XSF's website: XMPP.org. A full listing of XEP documents could be found on the website XMPP Extensions, Specifications, or similar headings.

My work on what became the Rayo Standard began in January 2011 when I drafted the standard's initial written concept. This concept included a problem statement, proposed solution approach, and various technical diagrams.

As my work on the Rayo Standard matured, I presented about its benefits and uses at the CloudComm Summit in September 2011. In February 2012, AT&T became the first company to deploy the Rayo Standard in its network.

In August 2012, I began drafting the document that would eventually become the Rayo Standard in the format required by XSF. This document would eventually be assigned the title "XEP-0327: Rayo."

On April 5, 2013, the first version (0.0.1) of the Rayo Standard was published on XSF's website.

On May 6, 2013, the next version (0.1) of the Rayo Standard was published on XSF's website.

On June 10, 2013, the next version (0.2) of the Rayo Standard—which is the version of the standard contained in the document labeled Exhibit 1009—was published on XSF’s website.

Additional versions (0.3, 0.4, and 0.5) were published on January 30, 2014, March 13, 2014, and September 23, 2014, respectively.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code.

Dated: 1/31/2023



Jose Maria de Castro, Jr.