UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ANCORA TECHNOLOGIES, INC., Plaintiff, vs. GOOGLE LLC, Defendant.	CIVIL ACTION NO. 6:21-cv-735-ADA JURY TRIAL DEMANDED
ANCORA TECHNOLOGIES, INC., Plaintiff, vs. ROKU, INC., Defendant.	CIVIL ACTION NO. 6:21-cv-737-ADA JURY TRIAL DEMANDED
ANCORA TECHNOLOGIES, INC., Plaintiff, vs. NINTENDO CO., LTD., and RETRO STUDIOS, INC., Defendant.	CIVIL ACTION NO. 6:21-cv-738-ADA JURY TRIAL DEMANDED

Declaration of Benjamin Goldberg, Ph.D.

I, Benjamin Goldberg, Ph.D., state as follows:

I. INTRODUCTION

1. I am over the age of 18 and am competent to make this declaration.

2. I have been retained by counsel for Defendant Google LLC in *Ancora Technologies, Inc. v. Google LLC*, Case No. 6:21-cv-735-ADA to offer opinions as to the scope and meaning that would have been given certain disputed terms and phrases in U.S. Patent No. 6,411,941 ("the '941 Patent") by a person of ordinary skill in the art (POSITA) at the time of the invention.

3. I reserve the right to supplement and/or amend my opinions in this declaration based on future opinions taken by the parties, their experts, additional documents, testimony, or other information provided by the parties or their witnesses, any orders from the Court, or as otherwise necessary.

4. I am being compensated for my time in connection with this matter at my standard consulting rate of $475 per hour. My compensation is not dependent on the substance of my opinions, my testimony, or the outcome of this matter.

5. In formulating my opinions, I have relied upon my extensive experience in computer science. I have also reviewed and considered the '941 Patent, its prosecution history, its reexamination file history, the parties' proposed claim constructions, and Google's disclosed extrinsic evidence.

II. QUALIFICATIONS AND EXPERIENCE

6. I am a tenured Associate Professor in the Department of Computer Science of the Courant Institute of Mathematical Sciences, New York University ("NYU"), in New

York, NY. I have held this position since September 1994. From 1987 to 1994, I was an Assistant Professor in the Department of Computer Science at NYU.

7. Since September 2014, I have been the Director of Graduate Studies for the MS programs in the Department of Computer Science, having previously served in that role from September 2009 through August 2012. I served as the Director of Undergraduate Studies for the Department of Computer Science from September 1995 through August 1998 and from September 2003 through August 2006. In addition, I held a one-year visiting professorship at the Institut National de Recherche en informatique et en Automatique ("INRIA"), a national laboratory in France, and was twice appointed to a month-long position as an invited professor at the Ecole Normale Supérieur, a University in Paris.

8. I received my Doctoral degree in Computer Science from Yale University, New Haven, Connecticut in 1988, having previously received Master of Science and Master of Philosophy degrees in Computer Science from Yale in 1984. My undergraduate degree from Williams College in 1982 was a Bachelor of Arts degree with highest honors in Mathematical Sciences. My Ph.D. thesis, entitled "Multiprocessor Execution of Functional Programs," concerned parallel programming on a variety of multiprocessor (multiple CPU) computers. I have published a number of papers and have presented talks and tutorials in this area.

9. I have taught courses and lectured at the undergraduate and graduate level in, among other things, software development, programming languages, operating systems, embedded systems (including mobile devices and media devices), object-oriented programming and other areas related to the technology of the '941 patent, such as web services, HTML, Javascript, and databases. Additional information concerning the

computer science courses that I have taught, my professional publications and presentations in the field of computer science are set forth in my current CV, a copy of which is attached as Exhibit A.

10. In sum, I have over 30 years of experience in research and development in the areas of computer science as a professor, researcher and consultant. I consider myself to be at least a person of ordinary skill in the art, as described below.

III.   LEGAL PRINCIPLES

11. I understand that the purpose of claim construction is to determine the meaning and scope of the patent claims at issue. I further understand that the terms in patent claim generally are given the meaning that the terms would have to a person of POSITA at the time of the alleged invention.

12. I understand that a person of ordinary skill in the art is deemed to read the claim terms not only in the context of the particular claims in which the disputed terms appear, but in the context of the entire patent, including the specification and the prosecution history. I further understand that while a claim is to be read in light of the specification, one generally must avoid importing limitations into the claim from the specification. I also understand that when a patentee explicitly defines a claim term or disavows the full scope of a claim term, the customary meaning does not apply.

13. I understand that a POSITA may also look beyond the intrinsic evidence (*e.g.*, the specification and the prosecution history) to consult "extrinsic evidence," such as dictionaries, in order to understand, for example, the background technology or the way in which a POSITA might use the claim terms during the relevant time period. However, I understand that extrinsic evidence generally is given less weight than intrinsic evidence.

14. I understand that a preamble can limit the invention if it recites essential structure or steps, or if it is necessary to give life, meaning, and vitality to the claim. I also understand that whether to treat a preamble as a claim limitation is determined on the facts of each case in light of the overall form of the claim, and the invention as described in the specification and as illuminated in the prosecution history.

15. I further understand that a claim is indefinite if its language, when read in light of the specification and prosecution history, fails to inform persons having ordinary skill in the art about the scope of the claimed invention with reasonable certainty. I understand that reasonable certainty does not require absolute precision.

16. I have been informed of the legal standard governing the determination of the level of ordinary skill in the art. I understand that factors that may be considered in determining the level of ordinary skill in the art include the type of problems encountered in the art, prior art solutions to those problems, the rapidity with which innovations are made, the sophistication of the technology, and the educational level of active workers in the field.

17. For purposes of this declaration, I have been asked to assume that the priority date for the '941 Patent is May 21, 1998, which is the foreign application priority date listed on the face of the patents.

18. In my opinion, a person of ordinary skill in the art at the time of the alleged invention of the patent would have had at least a bachelor's degree in computer science, computer or electrical engineering, or a related field of study; and at least two years of industry experience involving computer software security, BIOS and memory, or the educational equivalent thereof, such as a master's degree.

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