

Exhibit 12

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

AIRE TECHNOLOGY LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 6:21-cv-955-ADA

JURY TRIAL DEMANDED

AIRE TECHNOLOGY LTD.,

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 6:21-cv-1101-ADA

JURY TRIAL DEMANDED

AIRE TECHNOLOGY LTD.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 6:21-cv-1104-ADA

JURY TRIAL DEMANDED

**DECLARATION OF DR. HUGH SMITH IN SUPPORT OF
AIRE'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Hugh Smith, Ph.D hereby declare and state as follows:

I. INTRODUCTION

1. I have been retained by Plaintiff Aire Technology Ltd. (“Aire”) to provide my opinions as to the scope and meaning of certain terms and phrases appearing in U.S. Patent No. 8,205,249 (“the ’249 Patent”) as a person of ordinary skill in the art at the time of the inventions (“POSITA”). I understand that Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Samsung”), Apple Inc. (“Apple”), and Google LLC (“Google”) (collectively, “Defendants”) have offered constructions for certain terms and phrases for the ’249 Patent. I have reviewed those constructions and provide my opinions on those constructions herein.

2. In rendering my opinions, I have reviewed the ’249 Patent and the respective file history, as well as the extrinsic evidence offered by Defendants. My opinions are further based upon over 40 years of education, training, research, knowledge, and personal and professional experience in the relevant art.

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

4. A detailed record of my professional qualifications, including a list of publications, awards, professional activities, and recent testimony either at trial or at deposition, has been provided to Defendants and is attached hereto as Exhibit 1. I also included a list of cases in the last five years that I have testified by trial or deposition.

5. I am a tenured full professor in the Department of Computer Engineering at the

California Polytechnic State University. I also served as Director of the Cal Poly Computer Engineering Program, both in 2009-2013 and again in 2016-2017. I received my B.S. degree in Computer Science from Xavier University in 1985. I received my M.S. degree in Computer Science from Michigan State University in 1994 with a research focus on parallel and distributed computing. I received my Ph.D. in Computer Science in 1999 with a research focus on networking and the transmission of video over the Internet from Michigan State University.

6. Upon receiving my PhD, I joined the faculty of the Cal Poly Department of Computer Science in 2000 and moved to Cal Poly's newly created Department of Computer Engineering in 2021. I have been teaching and doing research on computer networks, network security, distributed systems, embedded systems, programming and robotics for the last 22 years. I have developed and taught courses including an introduction to computer networks, advanced computer networks, graduate level computer networks, embedded systems and robotics, and digital design and microcontrollers. Course activities included both hardware and software, the theoretical aspects of computer networks, security (including both privacy and authentication), wired and wireless networks, and the implementation of protocol layers from the physical to the application layer. As part of my teaching, I cover topics including privacy and authentication from both a theoretical perspective as well as using these technologies in the real-world.

7. I have over 40 years of experience in computer engineering and computer science. In addition to my educational and teaching/research experience, I have professional experience in computer system design and implementation. From 2011 to 2013, I developed, implemented, and sold an Android App called Lockmenu. I was a Group Manager, Senior Systems Analyst/Project Manager, and Systems Analyst for the Procter and Gamble Company from 1985-1992. I managed all aspects of a large distributed Purchasing and Inventory Control system, which included over

2,000 users, processed over \$250 million in yearly purchases, and tracked over \$60 million in inventory. I led a support team, designed and developed application software, managed capacity planning, and on-going maintenance. Before that, I was a Programmer Analyst at the Merrell Dow Research Institute from 1983-1985.

8. I have reviewed the '249 Patent and its prosecution history, and the subject matter of the '249 Patent is within the scope of my education and experience.

9. I have been asked to provide my opinion as to the construction of certain terms and phrases in the tables below, from the standpoint of a POSITA at the time of the respective inventions.

10. In my opinion, a POSITA would have at the time of the invention either (1) a bachelor's degree in computer science or computer engineering including experience in system security and authentication and one to two years of work experience in systems involving security and authentication or (2) equivalent work experience in the design and/or implementation of systems involving security and authentication. As reflected in the level of ordinary skill, a person of ordinary skill can have "equivalent education and work experience." Thus, more education could substitute for experience, and more experience (e.g., when combined with training), could substitute for formal college education of the person of ordinary skill in the art. When performing my analysis that led to my opinions, I apply this standard.

11. I am being compensated by Aire at a rate of \$700/hour for my work in this matter. My compensation is not tied to the outcome of the case and I have no financial interest in the outcome of the case.

12. In forming my opinions, I have considered a variety of facts and materials. These include all of the materials cited herein in this declaration. I have also relied on my more than 25

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