

IPR2015-01167
Patent 8,717,758
Declaration of Ryan White

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCO Brands Corporation and
ACCO Brands USA LLC
Petitioners

v.

Think Products, Inc.
Patent Owner

Case IPR2015-01167
Patent 8,717,758

DECLARATION OF RYAN WHITE

ACCO Brands
Exhibit 1021
ACCO Brands v. Think Products
IPR2015-01167

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I, Ryan White, declare as follows:

I. INTRODUCTION

1. I have been engaged by the Petitioner, ACCO Brands Corporation and ACCO Brands USA LLC, (“ACCO”), as an expert for the Petitioner in connection with Inter Partes Review (“IPR”) proceedings before the U.S. Patent and Trademark Office, Patent Trial and Appeal Board (“PTAB”). I am being compensated for my time at my usual hourly billing rate for consulting work. No part of my compensation depends on the outcome of these proceedings.

2. I understand that these proceedings involve U.S. Patent No. 8,717,758 (the “’758 patent), which issued on May 6, 2014, and U.S. Patent No. 8,837,144 (the “’144 patent), which issued on September 16, 2014.

3. I have been asked to provide opinions concerning the ’758 and ’144 patents, and whether certain references disclose or suggest certain features in the claims of these patents. In particular this declaration addresses claims 1-7, 9-14, and 16 of the ’758 patent and claims 1-12 and 14-20 of the ’144 patent

4. A complete listing of the materials I reviewed in preparing this declaration is attached as Appendix A.

II. BACKGROUND AND EXPERIENCE

5. A description of my education, training, and experience is summarized below.

6. I received a B.S. in Industrial Design in 2001 from the Wentworth Institute of Technology in Boston, Massachusetts.

7. From 2001 to 2004, I was employed as an Industrial Designer by Item New Product Development. My responsibilities there included aesthetic and mechanical design and development of products for use in the medical, juvenile, consumer, and industrial fields, including products such as tools for Snap-On Tools, welding equipment used for manufacturing or medical applications, and locking storage cabinets for storing microscopes.

8. From 2005 to 2010 I was employed as Lead Industrial Designer and from 2010 to 2012 as Industrial Design Manager by Kensington (which is part of ACCO Brands Corporation). My responsibilities there included redeveloping four of Kensington's six product categories with a main focus on their Security Line. This included device design and development of Kensington's Security Line included products, including the MicroSaver[®] and ClickSafe[®] computer lock products.

9. From 2012 to 2013, I was employed as Lead Industrial Designer by Speculative Product Design, LLC (Speck). My responsibilities there included leading their internal R&D team exploring methods of entry into new product lines and markets through innovative offerings, partnerships, branding, and developing or obtaining any needed technologies.

10. From 2012 to the present, I have worked as an independent design and strategy consultant, and have provided consulting services concerning design and development of strategy, product, and packaging for clients in the fields of Food & Beverage, Security, Consumer Technologies, Medical Devices, Consumer Goods, and Technology.

11. Since January 2015 I have been employed by Staples, Inc. as their Senior Manager, Product Design & Innovation. My responsibilities there include management of internal resources, and developing designs for new office supply and consumer electronic products.

12. I am named inventor on at least 48 issued patents and pending applications, relating to subject matters including locking devices for portable electronic devices, wearable technologies, consumer power products, water purification, and scientific and medical equipment.

III. LEGAL PRINCIPLES

A. Person of Ordinary Skill in the Art

13. I am informed that a “person of ordinary skill in the art” (“POSA”) refers to a hypothetical person who is presumed to have known the relevant art at the time of the invention. Many factors may determine the level of ordinary skill in the art, including: (1) the type of problems encountered in the art, (2) prior art solutions to those problems, (3) the rapidity with which innovations are made, (4)

the sophistication of the technology, and (5) the educational level of active workers in the field. I understand that a POSA is a person of ordinary creativity, meaning that a POSA may employ inferences and creative steps in their work.

14. A POSA for these patents would have at least an undergraduate degree in industrial design or mechanical engineering, and about two years of experience designing locking devices for portable electronic equipment such as laptop computers, or equivalent experience. I have used this definition in my analysis below.

B. Anticipation Invalidity

15. I understand that a patent claim is “anticipated,” and, therefore, invalid, if a single prior art reference discloses (expressly or inherently) each and every element of the claimed invention in a manner sufficient to enable a POSA to practice the invention, thus placing the invention in possession of the public.

C. Obviousness Invalidity

16. I understand that even if a prior art reference fails to anticipate a patent claim, the claim may nonetheless be invalid as “obvious,” if the differences between the subject matter claimed and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a POSA. I understand that several factual inquiries underlie a determination of obviousness. These inquiries include the scope and content of the prior art, the

level of ordinary skill in the art, the differences between the claimed invention and the prior art, and any objective “secondary considerations.” I understand that a combination of familiar elements according to known methods may be obvious when it does no more than yield predictable results. I also understand that common sense and ordinary creativity of one skilled in the art can be relevant to obviousness, and that a claim may be obvious if the elements of the claim are all known in the art, and if POSA would have an apparent reason to combine those elements in the fashion claimed by the patent.

17. I have been informed that certain objective secondary considerations may be relevant to a determination of whether an invention was obvious. Such secondary considerations may include, e.g., (a) whether there was a long-felt and long-unmet need for the invention, (b) whether the invention achieved unexpected results, (c) the commercial success of the invention, and (d) whether the invention was copied or praised within the industry.

D. Claim Construction

18. I have been informed that, in an IPR, the PTAB will give the claim terms in the patents under review their “broadest reasonable interpretation” in light of the patents themselves. I understand this means that the words of the claims are analyzed from the perspective of POSA and, specifically, receive the broadest reasonable meaning POSA would give them in the context of the ‘144 and ‘758

patents and when the words are used as they ordinarily are used. I also understand, however, that the PTAB could determine that the inventor specifically defined a particular claim term in the patent (which I understand is referred to as “lexicography”), in which case that definition would control.

IV. THE '758 AND '144 PATENTS

A. Background and Priority Claims

19. The '758 and '144 patents, both entitled “Locking Assembly for Electronic Tablet and Other Devices,” both relate to locking assemblies for tablet computers, smart phones, e-readers, laptop computers, and other hand-held electronic devices. Ex. 1001, '758 patent at 1:32-41; Ex. 1003, '144 patent at 1:34-44. The '144 patent is a continuation of the '758 patent, and other than the claims, both patents have substantially identical specifications and Figs. 1-65.

20. The '144 patent was issued on September 16, 2014, and is a continuation of U.S. Application Serial No. 13/526,514, which issued as the '758 patent on May 6, 2014. The '144 and '758 patents also claim the priority benefit of the following applications:

- a. The '758 patent is a continuation of U.S. Application Serial No. 13/031,174, filed on February 18, 2011, which issued as U.S. Patent No. 8,223,488 on July 17, 2012.

- b. The '488 patent is a continuation-in-part of U.S. Application Serial No. 12/657,670, filed on January 25, 2010, which issued as U.S. Patent No. 8,139,356 on March 20, 2012.
- c. The '356 patent is a continuation-in-part of U.S. Application Serial No. 12/154,561, filed May 23, 2008, which issued as U.S. Patent No. 7,724,520 on May 25, 2010.
- d. The '520 patent is a continuation-in-part of U.S. Application Serial No. 11/454,433, filed June 15, 2006, which issued as U.S. Patent No. 7,443,665 on October 28, 2008.
- e. The '665 patent is a continuation-in-part of U.S. Application Serial No. 11/359,871, filed February 22, 2006, which issued as U.S. Patent No. 7,324,333, on January 29, 2008. The '665 patent also claims the benefit of provisional applications 06/691,476, filed June 17, 2005; 06/725,333, filed October 11, 2005; 06/757,737, filed January 10, 2006; and 06/783,188, filed March 16, 2006.
- f. The '333 patent is a continuation-in-part of U.S. Application Serial No. 11/038,591, filed January 19, 2005, which issued as U.S. Patent No. 7,315,443 on January 1, 2008. The '333 patent

also claims the benefit of provisional applications 06/678,911, filed May 6, 2005; and 06/655,270, filed February 22, 2005.

- g. The '443 patent claims the benefit of provisional applications 06,626,839, filed November 10, 2004; and 06/569,561, filed May 10, 2004.

21. Based on the priority claims made in the '758 and '144 patents, the earliest possible priority date for the claims of these patents is May 10, 2004.

22. Unless another date is specified, my opinions in this declaration address what would be known and understood by POSA as of May 10, 2004.

B. Prosecution History

23. I have reviewed the file history of the '758 patent (Ex. 1002) and the file history of the '144 patent (Ex. 1004). These file histories are briefly summarized below.

24. As filed on June 18, 2012, the '758 patent included 22 claims. Ex. 1002 at 1-80.

25. In a first Office Action dated May 22, 2013, the Patent Office rejected all pending claims as anticipated by or obvious in view of one or more of Murray, Jr., U.S. Patent No. 5,502,989; Katoh, U.S. Patent No. 5,526,226; Geenfield, U.S. Patent No. 5,709,110; and Slow, U.S. Patent No. 5,608,605. Ex. 1002 at 873-884.

26. In an Amendment dated November 22, 2013, the applicant amended the pending claims to add additional limitations such as “said captive security rod partially in said at least one housing and partially out of said at least one housing during and before locking use” and “where the activation causes the locking mechanism to securely grasp the locking end” to the independent claims. Ex. 1002 at 936-943.

27. On December 20, 2013, the Patent Office issued a notice of allowance. Ex. 1002 at 947-955. A minor amendment was made to the specification on March 28, 2014, Ex. 1002 at 982-984, and the ‘758 patent issued on May 6, 2014.

28. As filed on May 5, 2014, the ’144 patent included 20 claims. Ex. 1004 at 5-77.

29. In a first Office Action dated July 30, 2014, the Patent Office indicated that all claims as filed were allowable. Ex. 1004 at 883-892. The ’144 patent issued on September 16, 2014.

C. Claims

30. The ’144 patent contains 20 claims, of which claims 1, 14, and 20 are independent. Claims 1 and 14 recite a locking assembly for securing a portable electronic device, and claim 20 recites a method for securing a portable electronic device. These independent claims read as follows:

1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising:

[b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is installed in the at least one housing to anchor the captive security rod thereto;

[c] said captive security rod being captive partially in said at least one housing after installation and partially out of said at least one housing during and before locking use after installation; and,

[d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the installed security rod and portable electronic device to the locking device.

14. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising:

[b] a captive security rod or spike having a locking end and an anchoring end, said anchoring end of said captive security rod or spike configured for installing to the at least one housing by anchoring to the portable electronic device through the at least one housing;

[c] a locking device having a lock opening to a locking mechanism, said locking device configured to lock to said captive security rod or spike upon insertion of the locking end of said installed security rod or spike into said lock opening to actuate said locking mechanism, therein locking said locking device to said captive security rod or spike; and,

[d] a cable attached to said locking device and configured for fastening to the to substantially immovable object prior to locking said locking device to said installed captive security rod or spike,

[e] wherein said locking end of said installed captive security rod or spike comprises a small knob axially located on a distal end of said captive security rod or spike,

[f] wherein said installed captive security rod or spike is positioned in a recess in the at least one housing during non-use, and said small knob protrudes from the at least one housing during non-use.

20. [a] A method for securing a portable electronic device having a housing to a substantially immovable object utilizing a locking assembly, the locking assembly comprising a security rod or spike formed with an anchoring end separated axially by a protruding end, a locking device with an internal locking mechanism and a cable permanently attached to the locking device at one end, the method comprising acts of:

[b] securely installing the anchoring end of the security rod or spike to the portable electronic device in the housing;

[c] attaching an other end of the cable to the substantially immovable object; and

[d] inserting the locking end of the security rod or spike into an opening in the locking device to actuate the internal locking mechanism and lock the locking device to the captive security rod or spike and, therefore, the portable electronic device to which it is anchored, to the substantially immovable object.

Ex. 1003 at 19:16-33; 20:-15-40; 20:66-21:15.

31. The '758 patent contains 16 claims, of which claims 1 and 16 are independent. Claim 1 recites a locking assembly for securing a portable electronic device; claim 16 recites a method for securing a portable electronic device. These independent claims read as follows:

1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising:

[b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is passed through the at least one housing to anchor the captive security rod thereto;

[c] said captive security rod partially in said at least one housing and partially out of said at least one housing during and before locking use; and

[d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the security rod and portable electronic device to the locking device.

16. [a] A method for securing a portable electronic device having a housing [sic, housing] to a substantially immovable object utilizing a locking assembly, the locking assembly comprising a captive security rod or spike formed with an anchoring end separated axially by a protruding end, said captive security rod being captive partially in said at least one housing and partially out of said at least one housing during and before locking use; a locking device with an internal locking mechanism and a cable permanently attached to the locking device at one end, the method comprising acts of:

[b] securedly fixing the anchoring end of the captive security rod or spike to the portable electronic device upon or through the housing;

[c] attaching an other end of the cable to the substantially immovable object; and

[d] inserting the protruding end of the captive, security rod into an opening in the locking device to actuate the internal locking mechanism and lock the locking device to the captive security rod and, therefore, the portable electronic device to which it is anchored, to the substantially immovable object.

Ex. 1001 at 19:18-34, 20:34-54.

D. Claim Construction

32. In my opinion, and as discussed below, POSA would understand that the broadest reasonable interpretation of the claim terms listed below are as follows:

| No. | Claim Term | '758 Claims | '144 Claims | Construction |
|------------|--|--------------------|--------------------|---|
| 1 | <i>wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the [installed] security rod and portable electronic device to the locking device</i> | 1-15 | 1-13 | the locking device has an opening into which the locking end of the captive security rod fits, and upon insertion of the captive security rod in the locking device, the rod becomes locked in the locking device |

| No. | Claim Term | '758 Claims | '144 Claims | Construction |
|-----|--|-------------|-------------|---|
| 2 | <i>a locking device having a lock opening to a locking mechanism, said locking device configured to lock to said captive security rod or spike upon insertion of the locking end of said installed security rod or spike into said lock opening to actuate said locking mechanism, therein locking said locking device to said captive security rod or spike</i> | | 14-19 | [same as term 1] |
| 3 | <i>means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object</i> | 2-4 | 2-4 | <p>Construe under 35 U.S.C. § 112, ¶ 6</p> <p><u>Function</u>: securing the locking device, the captive security rod, and the portable electronic device to a substantially non-movable object.</p> <p><u>Structure</u>: includes a cable or lanyard.</p> |
| 4 | <i>wherein the small knob that is captured and held by the locking mechanism at locking actuation</i> | 6 | 16 | wherein the knob is captured and held by the locking mechanism at locking actuation |
| 5 | <i>said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing</i> | 10 | 8 | the captive security rod extends out of the housing |

| No. | Claim Term | '758 Claims | '144 Claims | Construction |
|-----|---|-------------|-------------|--|
| 6 | [said captive security rod] <i>operates to extend in a deployed position out of a surface of said second housing.</i> | 11 | 9 | the captive security rod extends out of the second housing |
| 7 | <i>pin lock</i> | 14 | 12 | a lock with a mechanism that uses pins of varying lengths to prevent the lock from unlocking without the correct key |
| 8 | <i>The locking assembly as set forth in claim 2</i> | 13 | | The locking assembly as set forth in claim 3 |
| 9 | <i>base plate</i> | 12 | 10 | a security plate to which a computer or other object is attached |

33. Term Nos. 1 and 2—Independent claim '758/1 recites wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the security rod and portable electronic device to the locking device. Independent claim '144/1 recites an identical term, except that this claim also includes the word installed before “security rod,” as indicated in brackets in the table above. Independent claim '144/14 recites similar language, a locking device having a lock opening to a locking mechanism, said locking device configured to lock to said

captive security rod or spike upon insertion of the locking end of said installed security rod or spike into said lock opening to actuate said locking mechanism, therein locking said locking device to said captive security rod or spike.

34. The feature of the invention recited in Terms 1 and 2 is not depicted in any of the patent Figures 1-65. However, based on the claim language, POSA would understand that the broadest reasonable interpretation of each of these terms would be the same, as indicated above. Specifically, Terms 1 and 2 should be construed as follows: the locking device has an opening into which the locking end of the captive security rod fits, and upon insertion of the captive security rod in the locking device, the rod becomes locked in the locking device.

35. Term 3—Claims '758/2-4 and '144/2-4 recite means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object.

36. I have been informed that this term should be interpreted as a means-plus-function term under 35 U.S.C. § 112, ¶ 6, and that accordingly the term reads on a device that performs the recited function of the term, if performed by the structure, material, or acts described in the patent specification for performing the recited function. The function recited in the term is *securing the locking device and, therefore, the captive security rod and portable electronic device to which the*

captive security rod is anchored, to a substantially non-movable object Dependent claims '758/3 and '144/3 recite that “the means for securing is a cable or lanyard.” I have been informed that this indicates that the claimed structure for carrying out the function recited in the claims includes at least a cable or lanyard. This term should therefore be construed as indicated in the table above.

37. Term 4—Claims '758/6 and '144/16 recite *wherein the small knob that is captured and held by the locking mechanism at locking actuation*. Claim '758/6 depends from claim '758/5, and claim '144/16 depends from claim '144/15. These terms are confusing because they refer to a “small” knob, however, the claims from which they depend recite *a knob*, but not a “small” *knob*. In addition, these terms are confusing because the word “that” between “knob” and “is” appears to be an error. However, under the broadest reasonable interpretation standard, this term may be interpreted as POSA would understand that it was probably intended to read: wherein the knob is captured and held by the locking mechanism at locking actuation.

38. Term 5—Claims '758/10 and '144/8 recite *said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing*. The phrase “deployed to extend” suggests that after the captive security rod is installed in the housing, the rod is movable between a retracted and extended position. This feature is not shown in any of Figs. 1-65 or described in

the Detailed Description of the patents, however, the specification states as follows:

The captive security rod, upon anchoring to the at least one housing of the portable electronic device, is stored in a recess and grasped to deploy in an extended position. The locking end of the captive security rod operates to collapse into the at least one housing during non-use.

'144 patent at 5:34-38. Although this language suggests that the captive security rod is movable between retracted and extended positions after it has been installed, the broadest reasonable construction may read on a captive security rod that is not necessarily moveable. Accordingly, I have been asked to based my opinions on the following construction: the captive security rod extends out of the housing.

39. Term 6—Claims '758/11 and '144/9 recite that [said captive security rod] *operates to extend in a deployed position out of a surface of said second housing*. The phrase “operates to extend” suggests that after the captive security rod is installed in the housing, the rod is movable between a retracted and extended position. This feature is not shown in any of Figs. 1-65 or described in the Detailed Description of the patents, however, the specification states as follows:

The captive security rod, upon anchoring to the at least one housing of the portable electronic device, is stored in a recess and grasped to deploy in an extended position. The locking end of the captive security rod operates to collapse into the at least one housing during non-use.

Ex. 1001, '758 patent at 5:32-46; Ex. 1003, '144 patent at 5:34-38. Although this language suggests that the captive security rod is movable between retracted and extended positions after it has been installed, the broadest reasonable construction may read on a captive security rod that is not necessarily moveable. Accordingly, I have been asked to base my opinions on the following construction: the captive security rod extends out of the second housing.

40. Term 7—Claims '758/14 and '144/12 recite *a pin lock*. The term *pin lock* should be interpreted according to its ordinary meaning to POSA: a lock with a mechanism that uses pins of varying lengths to prevent the lock from unlocking without the correct key. *See* Ex. 1005 Bill Phillips, PROFESSIONAL LOCKSMITHING TECHNIQUES, Chapter 5 (TAB Books 1991). A pin lock (sometimes referred to as a “pin tumbler” lock) is one of the most popular type of locks in use today, for applications such as door locks, deadbolt locks, padlocks, and automobile locks. Ex. 1005 at 3.

41. Term 8—Claim '758/13 recites “[t]he locking assembly as set forth in claim 2, wherein the cable or lanyard has a loop.” This claim language indicates that the claim depends from claim 2, referring to “the cable or lanyard” of that claim; however, claim 3, not claim 2 recites a “cable or lanyard.” Accordingly, the reference to claim 2 appears to be an error, and my opinions are based on a

construction of this claim as referring to and depending from the locking assembly of claim “3.”

42. Term 9—claim ’758/12 and ’144/10 recite a *base plate*. The term *base plate* should be interpreted according to its ordinary meaning to POSA: a security plate to which a computer or other object is attached. *See* Ex. 1006, Makous, U.S. Patent No. 5,050,836 at 3:63-4:10; Figs. 1-2 (describing a “cable security system” for locking a computer or other portable equipment to a base plate 22 with a security cable).

43. The remaining terms of the claims should be construed according to their ordinary meaning to POSA and do not require any further discussion.

E. Priority Benefit

44. I have been asked to evaluate whether the subject matter of claims 1-16 of the ’758 patent and claims 1-12 and 14-20 of the ’144 patent is described in Ex. 1007, Allen, U.S. Patent No. 8,139,356 (the “’356 patent”), which issued on March 20, 2013, based on U.S. Application Serial No. 12/657,670, filed on January 25, 2010, which I understand is identified as a priority document in the ’758 and ’144 patents. My opinions concerning what is described in the ’356 patent address what would be understood by POSA to be described in this patent.

45. I have reviewed all of the text and figures of the ’356 patent to evaluate whether the ’356 patent includes a description of the subject matter of the

claims of the '758 and '144 patents. I understand that the text and figures of the '758 and '144 patents includes additional information that is not included in the '356 patent. I have also reviewed the entire text and figures of the '758 and '144 patents in connection with preparing this declaration, however, I was not asked to evaluate whether the '758 or '144 patents contain a description of the subject matter of the claims of those patents, and my declaration does not address that issue.

46. As explained below, in my opinion the '356 patent does not include a description of the subject matter of any of claims 1-16 of the '758 patent and claims 1-20 of the '144 patent.

47. The '758 and '144 patents contain identical Figs. 1-65. Ex. 1007, the '356 patent contains Figs. 1-58, which are identical to Figs. 1-58 of the '758 and '144 patents, but the '356 patent does not include Figs. 59-65 of the '758 and '144 patents.

48. None of Figs. 1-58 of the '356 patent depict a locking assembly for securing a portable electronic device, or a method for securing a portable electronic device, as recited in the claims of the '758 and '144 patents. Likewise, the text of the '356 patent does not describe the subject matter of the claims of the '758 and '144 patents. For example, none of those figures depicts a locking assembly including a captive security rod having a locking end and an anchoring end; the

captive security rod partially in a housing of an electronic device and partially out of housing; and a locking device with a locking mechanism including an opening to receive the locking end of the captive security rod, where the insertion of the locking end of the captive security rod in the opening activates and locks the locking mechanism, as recited in the claims.

49. As described in Ex. 1007, '356 patent at 3:45-6:28, Figs. 1-58 of the '356 patent are briefly described as follows:

- a. Figs. 1-3 depict notebook computer locking cases in which a notebook computer is inserted, the cases including a locking base and a collar;
- b. Fig. 3A depicts a storage case for electronic devices;
- c. Fig. 3B depicts a lock;
- d. Figs. 4-9 depict additional embodiments of notebook computer locking cases in which a notebook computer is inserted;
- e. Fig. 10 depicts a notebook computer locking case including a locking base and a swing arm;
- f. Figs. 11 and 12 depict alternative designs for the swing arm of Fig. 10;

- g. Figs. 13-21 depict additional embodiments of notebook computer locking cases including a locking base and a locking arm;
- h. Figs. 22-27 depict clamp screw subassemblies for use with the notebook computer locking case depicted in Fig. 21;
- i. Fig. 28 depicts a notebook computer with through-holes for use with a protrusion spike and cable;
- j. Fig. 28A depicts a notebook computer with two aligned through-holes through which a padlock is inserted;
- k. Fig. 28B-D depicts a notebook computer with a security hole in the top right corner of the computer display;
- l. Fig. 28C-D also depict a locking ferrule attached to a cable and pin lock, the ferrule inserted through the security hole in the notebook housing, with a cable attached to the ferrule secured to a clamp attached to a table top;
- m. Fig. 29 depicts a spike with a cable attached ferrule, pin lock, and cable clamp for a notebook computer, also shown in Fig. 28C-D;
- n. Fig. 30 depicts a notebook computer with captive security rods 291 for cable attachment;

- o. Fig. 31 depicts a notebook computer with a downward hole in the housing for use with a long protrusion spike and a transverse locking pin;
- p. Figs. 32-39 depict a flexible strip lock for a computer and components thereof;
- q. Fig. 40 depicts a notebook computer with locking strips;
- r. Figs. 41-43 depict various electronic devices with a hinge and “hinge gap”;
- s. Figs. 44-51 depict embodiments of locking strip devices; and
- t. Figs. 52-58 depict plunger-type security locks and components thereof, for use with flexible locking strip security devices (see ’356 patent at 13:25-39).

50. Most of the patent figures and accompanying text of the ’356 patent depict and describe embodiments of locking devices completely unrelated to the claims of the ’758 and ’144 patents. For example, Figs. 1-27 depict various locking cases for securing electronic devices; and Figs. 32-58 depict strip lock devices that are inserted into the hinge of various electronic devices.

51. Figs. 28-31 appear to be more pertinent to the claims of the ’758 and ’144 patents, because they depict laptop (notebook) computers with protrusion spikes, spikes, ferrules, or a padlock shackle that extend through one or more

surfaces of housings of a laptop computer. However, none of these embodiments of locking devices depict a captive security rod as recited in each of the claims of the '758 and '144 patents (even though the specification uses the term “captive security rod 291” in connection with some of these embodiments). Each of these Figs. 28-31 (and accompanying text) is discussed below.

52. Fig. 28 depicts a laptop (notebook) computer with three “through holes” 277, 278, and 279, that extend through the lower housing (hole 277), hinge line (hole 278), and upper housing (hole 279) of the laptop:

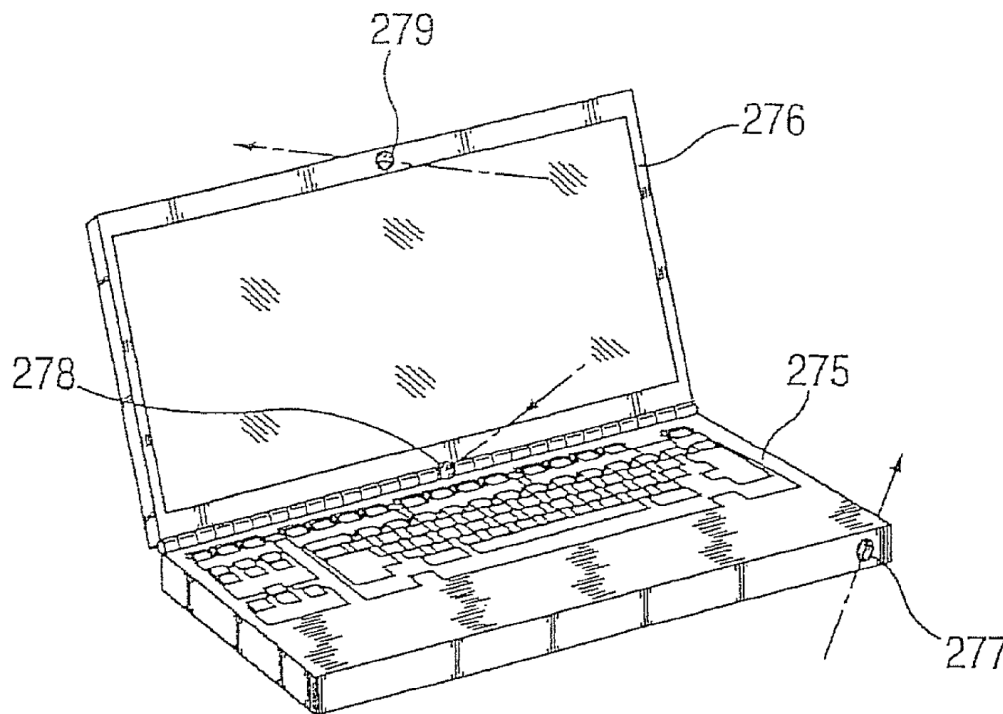


FIG. 28

See Ex. 1007, '356 patent at 10:52-57. Fig. 28 does not depict any locking device, but appears to be related to the embodiments shown in Figs. 28A-D, discussed

below, which involve locking devices used in combination with various holes in laptop housings.

53. Fig. 28A depicts an embodiment in which a padlock is used to lock the laptop, by inserted a padlock shackle (hasp 506) through holes in both the upper and lower housings of a laptop computer:

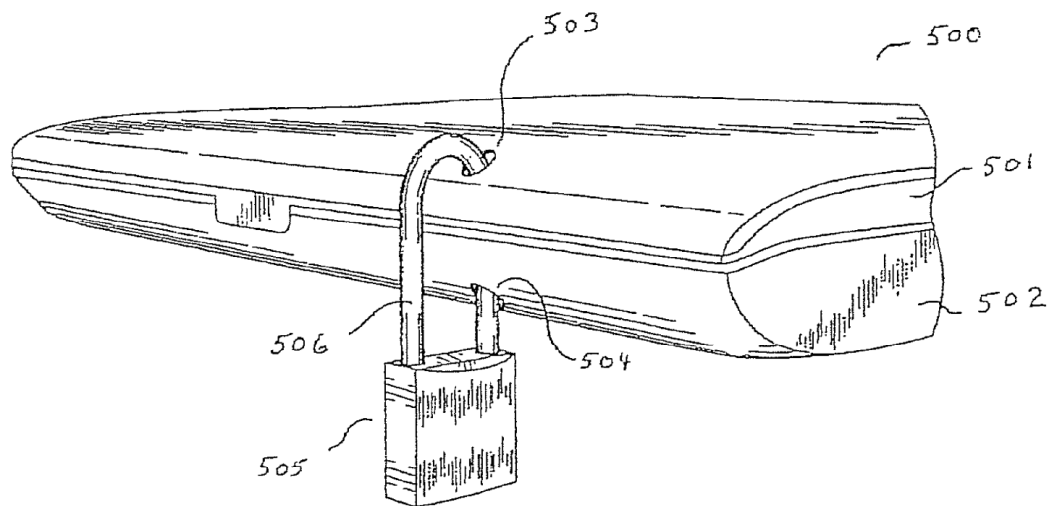


FIG. 28A

See Ex. 1007, '356 patent at 10:58-63. This embodiment does not involve any captive security rod that is installed in a housing of the laptop or that extends out of the housing, or any locking device that receives a locking end of a captive security rod, as recited in the claims of the '758 and '144 patents. Instead, in this embodiment a padlock shackle is extended through the housing and locked to the padlock.

54. Figs 28B-D (reproduced below) depict a laptop computer that is secured by a locking device inserted through a “through hole 517” in the upper-right corner of a laptop housing:

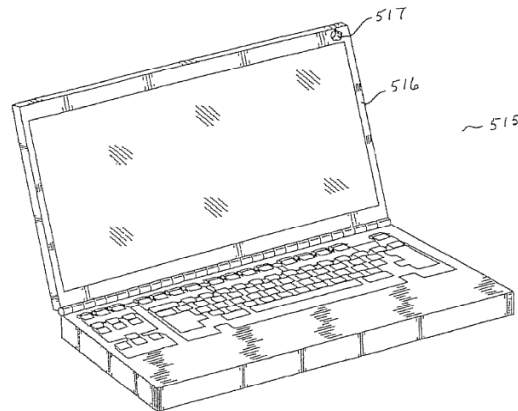


FIG. 28B

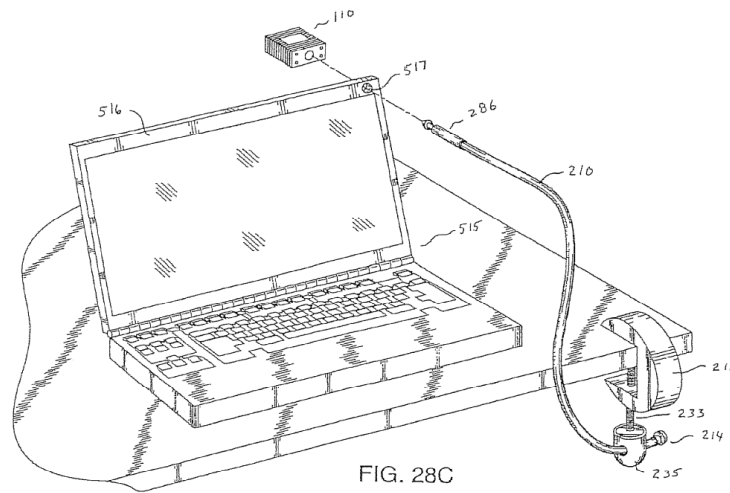
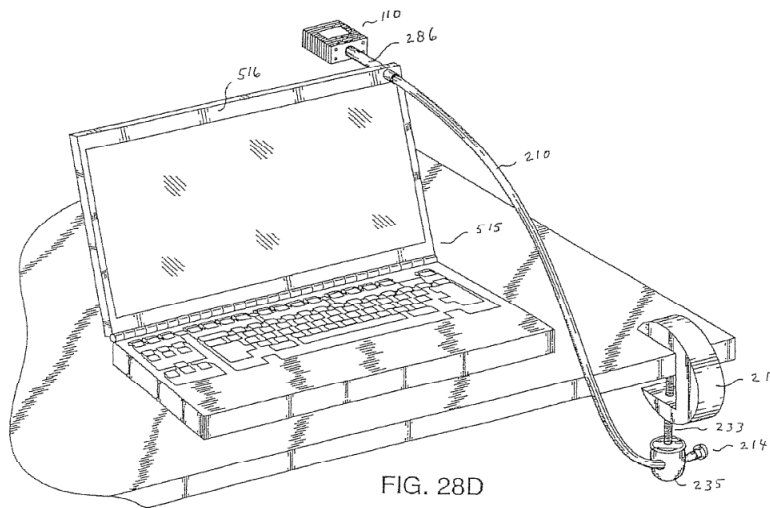


FIG. 28C



See Ex. 1007, '356 patent at 11:4-13.

55. The apparatus of Figs. 28C-D is locked by inserting ferrule 286 through hole 517, and engaging the ferrule 286 into pin lock 110, which is placed behind the laptop upper housing. Ex. 1007, '356 patent at 11:7-10; Figs. 28C, 28D. Similar to the padlock embodiment of Fig. 28A, these embodiments do not involve any captive security rod that is installed in a housing of the laptop or that extends out of the housing, or any locking device that receives a locking end of a captive security rod. Instead, in these embodiments a ferrule is extended through the housing and locked to a pin lock, and Figs. B-C illustrate that the ferrule 286 extends freely through hole 517 in the housing. The ferrule 286 is not depicted or described as being fixed, installed, or captive in the housing.

56. Fig. 29 (reproduced below, with blue annotation added) depicts a locking rod or spike 285, “which is inserted through any of the three hole locations

discussed” (apparently referring to the three holes in a laptop housing depicted in Fig. 28, and perhaps to the additional holes depicted in Figs. 28A-D). Ex. 1007, ’356 patent at 11:19-20.

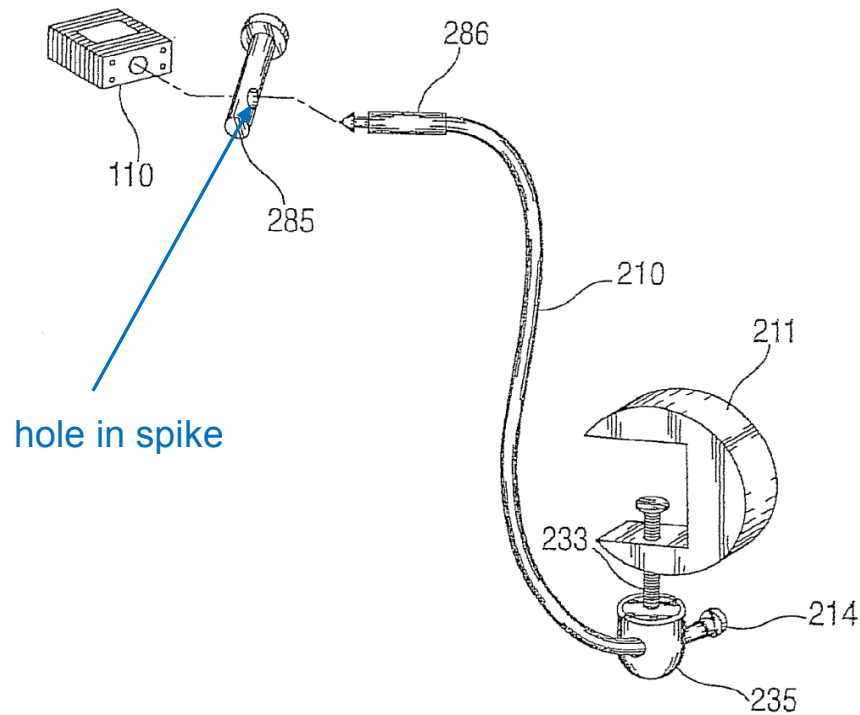
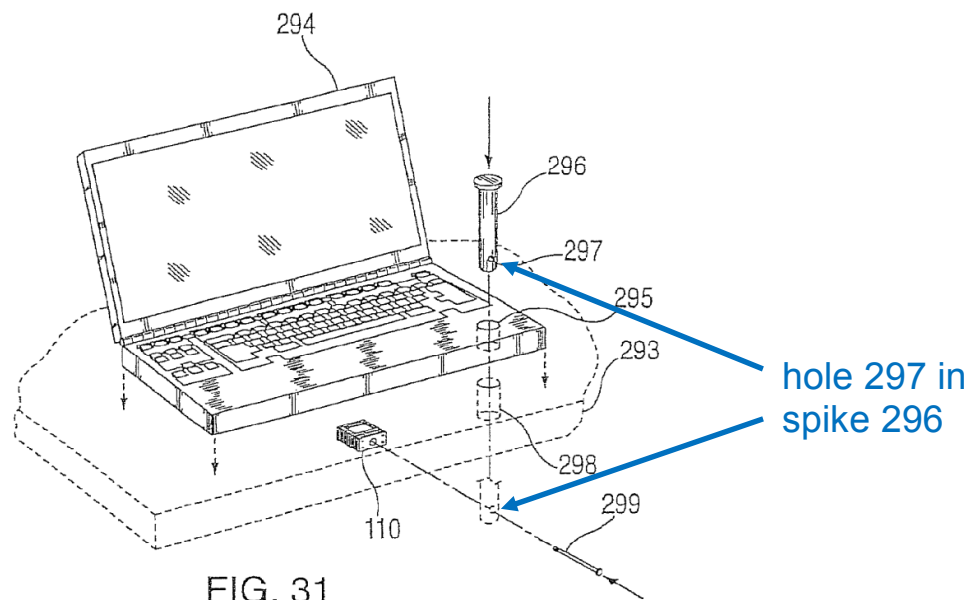
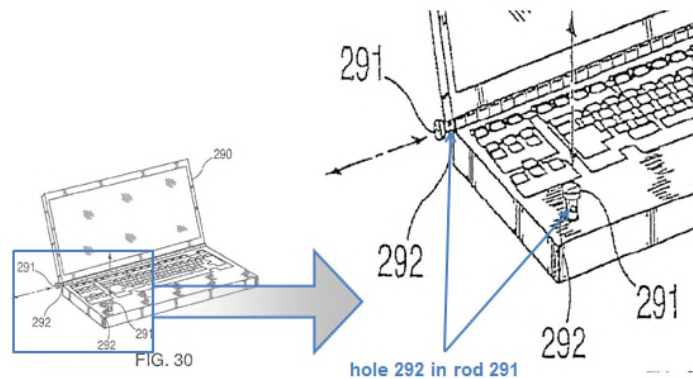


FIG. 29

57. The locking rod or spike 285 of Fig. 29 is not a captive security rod as recited in the claims of the ’758 and ’144 patents. The spike 285 is inserted through a hole in a laptop housing, but is not inserted into the opening of a locking mechanism as the recited captive security rod; instead in the embodiment of Fig. 29, the laptop is secured by inserting a ferrule 286 through a hole in the spike (identified in blue annotation above), and then engaging the ferrule 286 into the pin lock 110. This arrangement is similar to the embodiments of Figs. 28A-D, except

that the ferrule extends through a transverse hole in a spike, instead of through a laptop housing. Ex. 1007, '356 patent at 11:19-22.

58. Additional variations of the “spike” embodiment of Fig. 29 are depicted in Figs. 30 and 31 (with blue annotations added):



Ex. 1007, '356 patent at 11:28-47.

59. In the embodiment of Fig. 30, the separate spike 285 is replaced by what is referred to in the '356 patent as a “captive security rod 291.” Despite the

use of the term “captive security rod,” the “captive security rod 291” is *not* a captive security rod as recited in the claims of the ’758 and ’144 patents. (To avoid confusion, I refer to the “rod 291” below.) The rod 291 is apparently described as “captive” because, unlike the embodiments of Figs. 28A-D in which a ferrule moves freely through a hole in a laptop housing, the rod 291 is mounted (i.e., “captive”) in the laptop housing. The rod 291 is also designed to be “stored in a recessed position with only a small knob protruding so that [it] may be easily grasped to unlock into [an] extended position” for use in locking the laptop. Ex. 1007, ’356 patent at 11:28-36. Similar to the spike 285 of Fig. 29, the rod 291 is not inserted into the opening of a locking mechanism as recited in the claims of the ’758 and ’144 patents. Instead, in the embodiment of Fig. 30, “[f]errule 286 and lock 110 are then used in the same manner as with the separate spike 285” of Fig. 29, that is, the laptop is secured by inserting ferrule 286 *through a hole (292) in the rod 291* (identified in blue annotation above), and then engaging the ferrule 286 into the pin lock 110. Ex. 1007, ’356 patent at 11:28-38.

60. Fig. 31 depicts “another spike variation,” similar to Fig. 30, in which “long spike 296” is inserted through the housing of a laptop, and the laptop is secured by inserting a transverse pin 299 through a transverse hole 297 of the spike 296 (with transverse hole 297 shown locked from below the laptop housing and table in Fig. 31, in contrast to the transverse hole shown only above the laptop

housing in Fig. 30), and then inserting the transverse pin 299 into a pin lock 110. Ex. 1007, ‘356 patent at 11:38-45. As in the embodiments of Figs. 28-30, spike 296 of Fig. 31 is not a “captive security rod” as recited in the claims of the ‘758 and ‘144 patents. Spike 296 is not inserted into the opening of a locking mechanism as the recited captive security rod, and instead is secured by using a transverse pin and pin lock.

61. I reviewed the entire text of the ‘356 patent, not limited to the figures and text discussed above, and did not see any description of the subject matter of the claims of the ‘758 or ‘144 patents. For example, none of the text or figures of the ‘356 patent depict or describe a captive security rod as recited in the claims.

62. For the reasons discussed above, in my opinion POSA would understand that the ‘356 patent does not include a description of the subject matter of any of claims 1-16 of the ‘758 patent and claims 1-20 of the ‘144 patent.

V. PRIOR ART ANALYSIS

A. General State of the Art

63. As of 2004, cable lock security devices for use with laptop computers or other portable electronic devices were well known in the art.

64. In 1992, Kensington first introduced the MicroSaver[®] line of computer locks. These locks included a cable connected to a lock mechanism, and the lock mechanism included a lock designed to engage a slot in the housing of a

computer. The cable was designed to be wrapped around a substantially immovable object (such as a table), to protect the computer from being stolen. MicroSaver locks are still marketed by Kensington today.

65. In the MicroSaver locks, the lock is attached to a slot in the housing of the computer. To unlock the computer, the lock is removed from the slot. The security slots to which the locks are attached are specially designed to be compatible with Kensington lock products, and were including in most laptop computers sold in 2004 (and still are today). These slots are sometimes referred to as Kensington Security Slots.

66. In 2005, Kensington acquired McDaid, U.S. Patent No. 6,360,405 (Ex. 1008) from Kryptonite Corporation. Kensington used the McDaid patent technology as a starting point to develop an updated line of computer locks, known as the ClickSafe® line of computer locks, which was introduced into the U.S. market in 2010. In my responsibilities as a Lead Industrial Designer at Kensington, I was personally involved in developing the ClickSafe products.

67. The McDaid patent and the ClickSafe products are similar to the MicroSaver locks in that they all involve a cable lock device including a lock mechanism that is attached to a slot in the housing of a device such as a laptop computer.

68. However, the McDaid patent and ClickSafe products differ from MicroSaver products in that instead of a single lock component to be attached to a laptop slot, the McDaid patent and ClickSafe products include a 2-part lock mechanism, including the following components: (1) an anchor or “spur” component that is attached to a slot in the laptop housing (e.g., by a screw); and (2) a lock mechanism attached to the cable, which locks onto the anchor in the laptop housing to secure the laptop. To unlock the laptop, the lock is unlocked and removed from the anchor, but the anchor remains on the housing and available for re-locking the laptop. These newer designs were (and are) considered more secure and easier to use than the MicroSaver-type locks.

B. McDaid, U.S. Patent No. 6,360,405 (Ex. 1008)

69. McDaid, entitled “Security Anchor/Tether Assemblage for Portable Articles,” was issued on March 26, 2002. McDaid discloses a security device for locking a portable electronic device such as a laptop computer to a substantially immovable object, shown generally in Figs. 1 and 10:

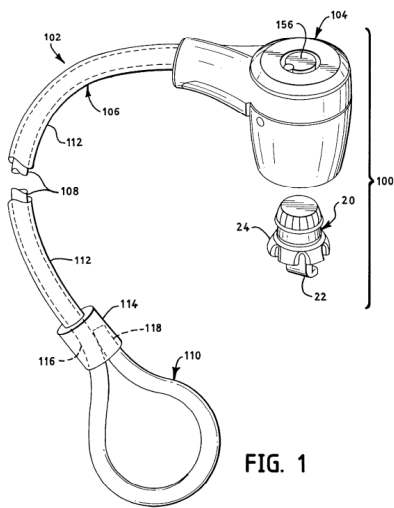


FIG. 1

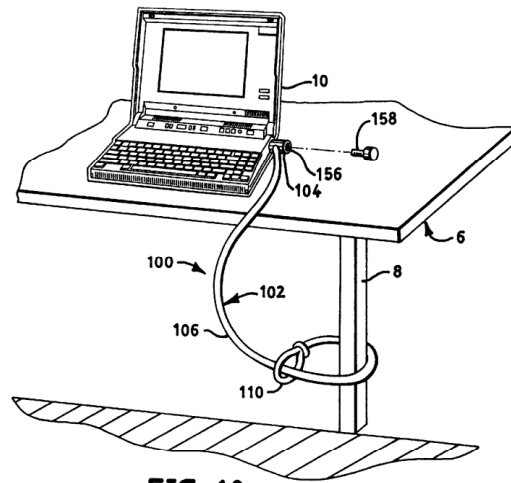


FIG. 10

70. As shown in Paragraphs 71-82, 110, and 111 below, McDaid discloses nearly all limitations of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent.

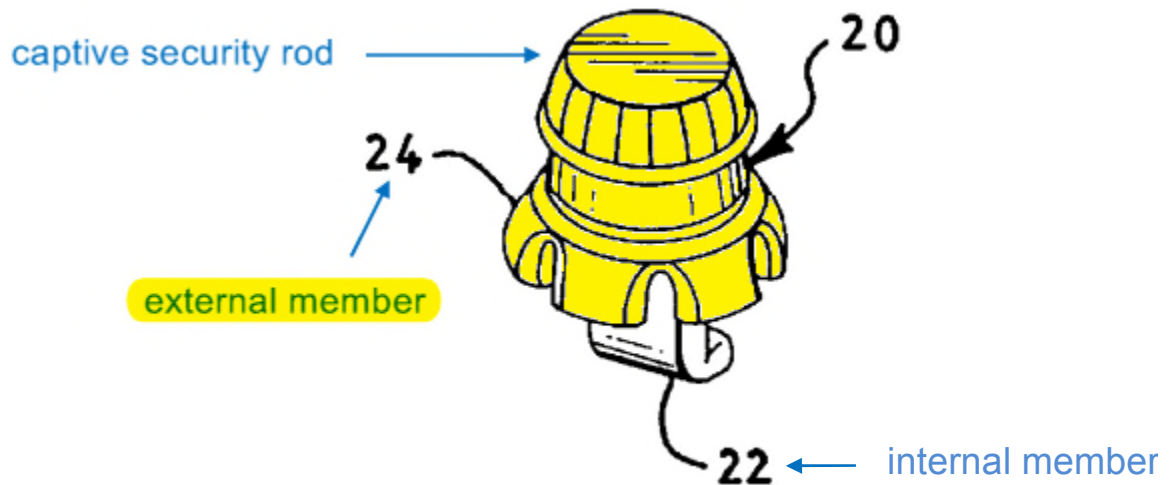
71. As described in the Summary of the Invention: "The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers." Ex. 1008 at 1:57-59.

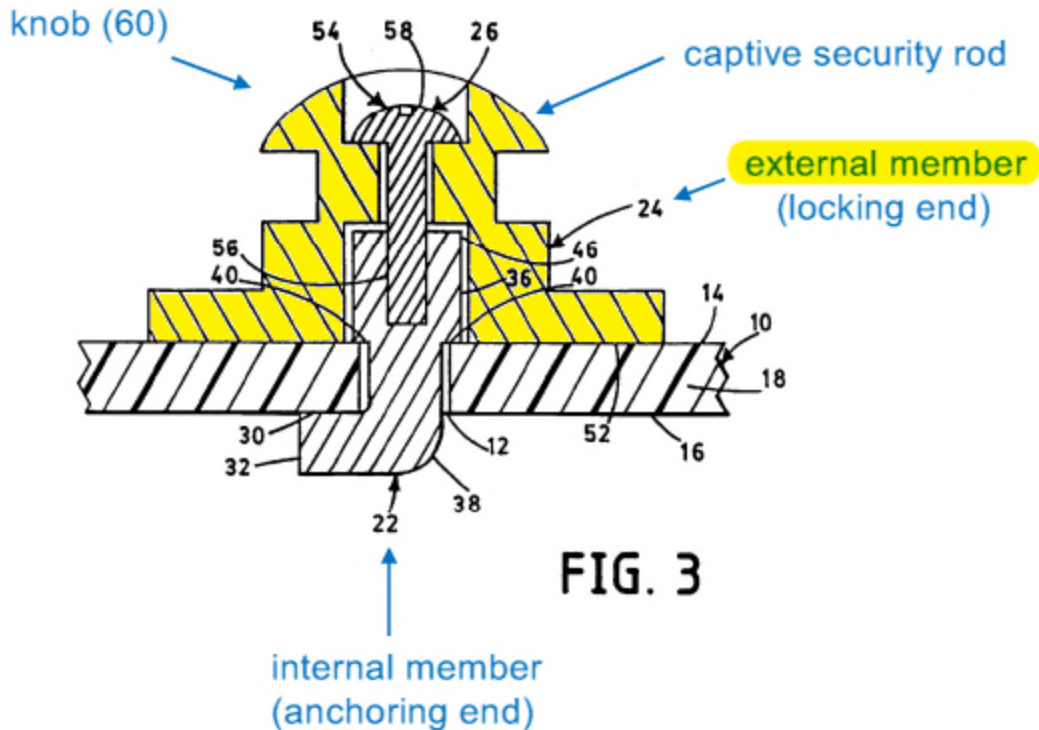
As described more specifically in the Detailed Description:

The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These slots 12 are being manufactured into portable articles, such as laptop computers, in known standard dimensions.

Ex. 1008 at 3:17-24.

72. McDaid discloses a security device including a captive security rod (anchor 20) having a locking end (external member 24) and an anchoring end (internal member 22), wherein the anchoring end is passed through the housing to anchor the captive security rod, as described in the specification and shown in Figs. 1 and 3 (with blue annotations and yellow highlighting added):





The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . . The retaining portion 32 extends from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion 32 makes contact with the inner surface 16 of the article wall 18 when the anchor 20 is installed.

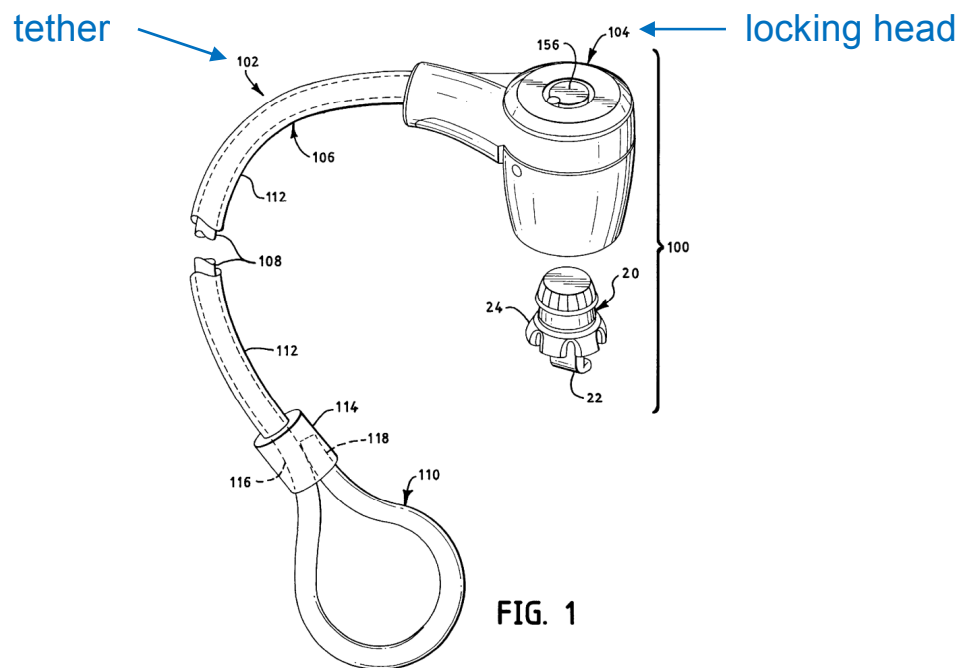
Ex. 1008 at 3:26-43.

73. McDaid further discloses a security device including a captive security rod (20) that is partially in the housing (internal member 22) and partially out of the housing (external member 24) before and during locking use (attachment to tether 102):

The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.

Ex. 1008 at 3:53-55; see Fig. 3.

74. McDaid discloses a security device including a locking device with a locking mechanism (tether 102, including locking head 104), with an opening 132 to receive the locking end of the captive security rod (knob 60 of external member 24), as described in the specification and shown in Figs. 1 and 8 (with blue annotations added):



is looped around a table leg 8 and the locking head 104 is passed through the loop 110.

Ex. 1008 at 7:30-34; Fig. 10 (see Paragraph 69 above).

76. The cable 106 (including braid 108) is permanently attached to the locking head 104 by a swage 182 and eyelet 124:

The last component of the locking head 104 is the eyelet 124, which attaches the cable 106 to the locking head 104. . . . A swage 182 is clamped to the end of the cable 106 to prevent the cable 106 from being pulled back through the bore 180 and from the eyelet 124.

Ex. 1008 at 7:1-15; Fig. 8 (see Paragraph 74 above).

77. The captive security rod 20 includes an external member 24 that extends from the housing and includes a knob 60 that extends from the housing after the anchoring end 22 is anchored to the housing:

The anchor device 20 of the present invention provides a knob 60 with an annular groove 62 for removably attaching the tether 102. In one configuration, shown in FIGS. 2 and 3, the knob 60 is formed in the external member 24.

Ex. 1008 at 5:25-28; Figs. 2-3.

78. The anchor 20, including knob 60, is captured and held by the locking head 104 at locking actuation:

The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into the cup apertures 138. Then the locking head 104 is placed on the anchor 20 and the key 158 is rotated back

to the closed position, securing the ball bearings 140 in the knob annular groove 62.

Ex. 1008 at 7:33-39.

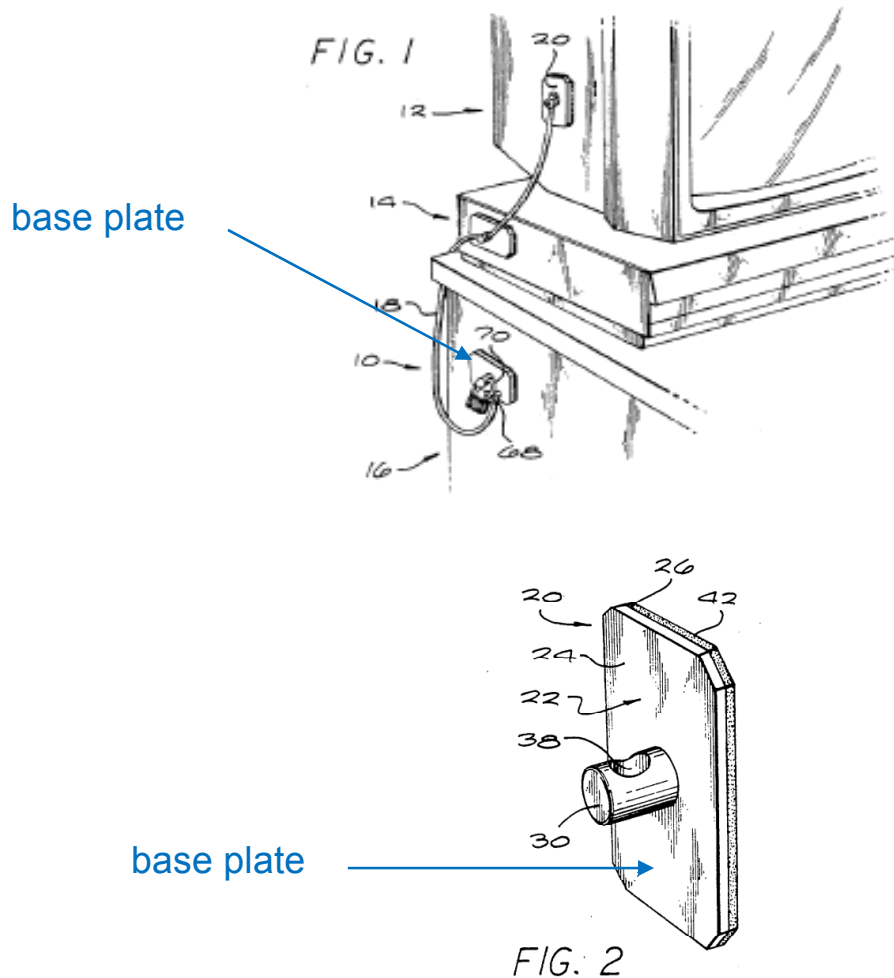
79. The captive security rod is stored in a recess (internal member 22), and deployed in an extended position (external member 24): “The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.” Ex. 1008 at 3:53-55; see Fig. 3.

80. The McDaid security device can be attached to any substantially immovable object, such as a base plate, although McDaid identifies a table as an example of a substantially immovable object:

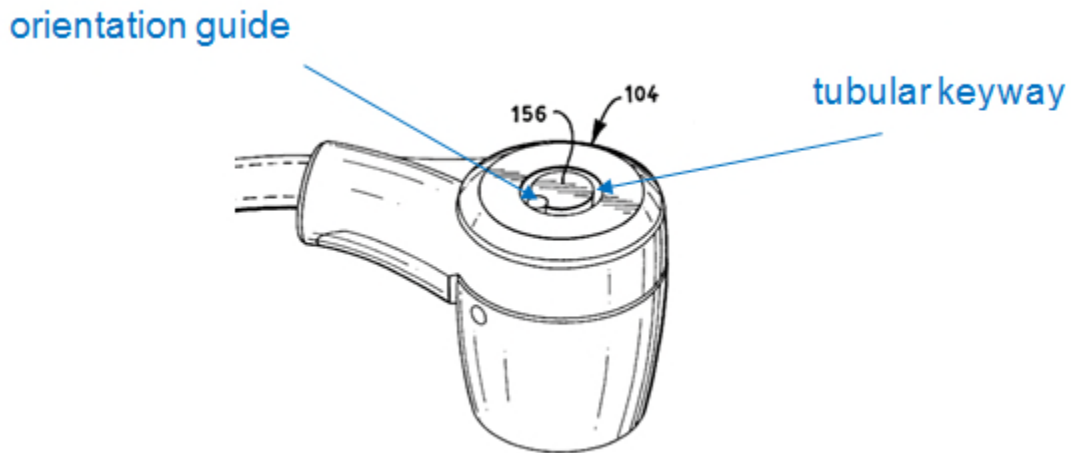
The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.

Ex. 1008 at 3:17-24; see Figs. 1, 10.

81. Use of a base plate to secure a cable lock for a computer or other portable electronic device is well known in the art. *See, e.g.*, Ex. 1006, Makous, U.S. Patent No. 5,050,836, disclosing a cable security system 10 for a computer, including a base plate 22. *See* Ex. 1006 at 3:63-4:10; Figs. 1-2 (reproduced below, with blue annotations added).



82. The locking device disclosed in McDaid is a pin lock, although that term is not used in the patent. POSA would understand that McDaid discloses a pin lock, in particular a tubular key type of pin lock, by observing the lock mechanism shown in Fig. 1. *See* Ex. 1008, Fig. 1 (excerpt reproduced below, with blue annotations added):



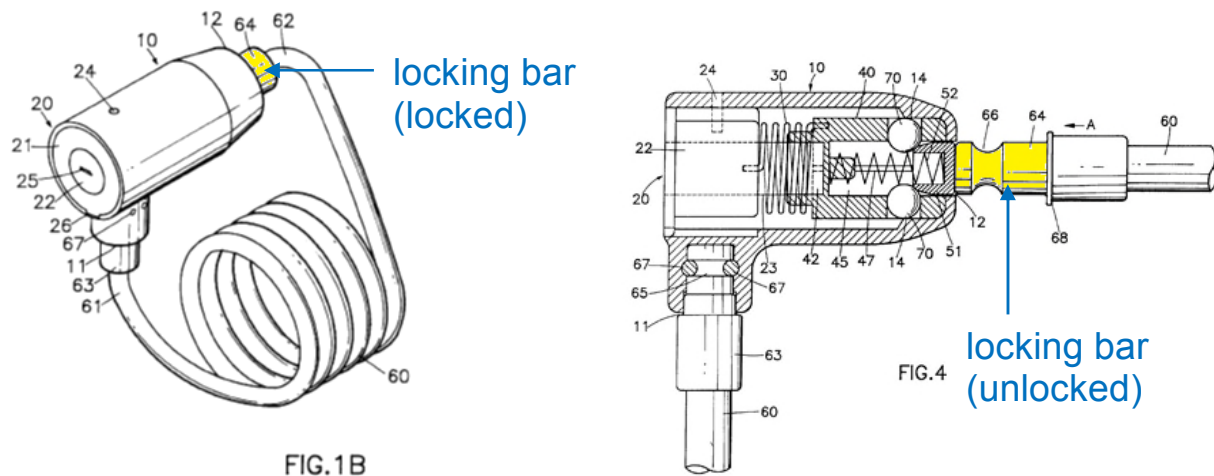
McDaid Fig. 1 (excerpt).

A tubular key lock is a pin lock that has pins arranged in a circle, and a tubular key is used to open a such a lock. *See* Ex. 1005 at 10. (One common example of a tubular key lock was the Kryptonite U-shaped bicycle lock with tubular key, which was widely used at the time of the McDaid patent.) As shown in Fig. 1, the locking mechanism depicted in McDaid includes a tubular keyway opening at the top of the lock, with orientation guide that directs a tubular key into the proper orientation to fit the lock mechanism. POSA would recognize from McDaid Fig. 1 that McDaid discloses a tubular key type of pin lock.

C. Chen, U.S. Patent No. 5,829,280 (Ex. 1009)

83. Chen, entitled “Cable Locking Device with Automatic Pop-up Feature,” was issued on November 3, 1998. Chen discloses a cable locking device

for use on portable objects such as bicycles, shown generally in Figs. 1B and 4 (with yellow highlight and blue annotation added):



84. Chen discloses a cable lock assembly with a lock that is automatically locked (activated) when a locking bar (referred to as locking head 64) is inserted into the locking device (head hole 12 of main body 10):

To fasten and lock the cable 60 to the locking device, the user can manually insert the locking head 64 of the cable 60 into the head hole 12 in the main body 10. By doing this, the locking head 64 is locked to the locking device. The user needs not to use the key of the locking device to turn the inner cylinder 22 and the locking mechanism 40 to the unlocked state in order to receive the locking head 64 as required when using a prior art locking device.

Ex. 1009 at 5:49-57.

D. Cheng, U.S. Patent No. 5,447,045 (Ex. 1010)

85. Cheng, entitled “Apparatus for Locking a Closed Notebook Computer on a Computer Support,” was issued on September 5, 1995. Cheng discloses an apparatus for locking a laptop (notebook) computer, shown generally in Fig. 2:

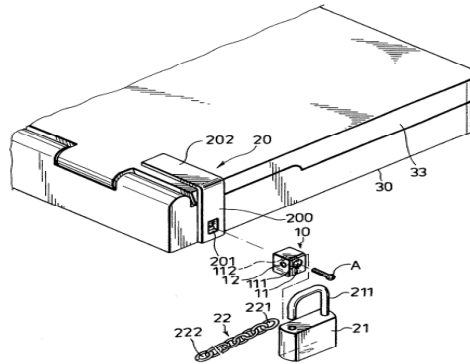


FIG. 2

86. Cheng discloses an apparatus for locking a laptop computer to a substantially immovable object, that includes a padlock 21 attached to a lock support 10 mounted on a housing of the computer and to a chain 22 attached to a table 40.

Referring to FIGS. 1 and 2, an apparatus of this invention is used for locking a closed notebook computer 30 on a computer support or computer table 40 (see FIG. 3). . . . The apparatus includes a lock support 10, an L-shaped locking plate 20, and a padlock unit consisting of a padlock 21 and a flexible fixing member or metal chain 22. . . . As shown in FIG. 3, the hollow table 40 has a front wall through which a chain hole 41 is formed and through which the chain 22 extends.

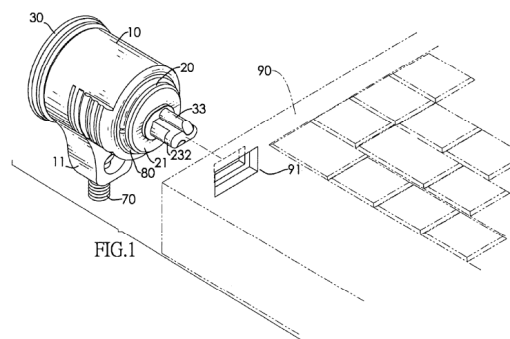
Ex. 1010 at 1:64-2:12; see Figs. 1-3.

87. Cheng states that the padlock is *unlocked* by use of a key: “When an associated key is inserted into the lock body of the padlock 21 and opens the same, the padlock 21 can be removed from the lock support 10” Ex. 1010 at 2:44-46.

88. Cheng does not expressly describe how the padlock 21 is locked, however, padlocks are well known in the art. In a padlock, a U-shaped shackle includes a locking rod at its end, which engages the lock mechanism in the body of the lock, such that the lock is locked (activated) by inserting the shackle of the lock into the corresponding opening in the lock mechanism. Padlocks generally do not require turning a key to lock the padlock. For these reasons, POSA would understand that padlock 21 can be locked upon insertion of the shackle, without use of a key. *See, e.g.*, Ex. 1011 at 3, Mick Friend, ENCYCLOPAEDIA FOR LOCKSMITHS (Authors OnLine Ltd. 2004) (referring to padlocks with “key to open and snap shut” design).

E. Lee, U.S. Patent No. 7,073,358 (Ex. 1012)

89. Lee, entitled “Self-Locking Cable Lock,” was issued on July 11, 2006. Lee discloses a self-locking cable lock for use with a laptop computer, attached through an opening in the housing of the computer, as shown in Fig. 1:



90. In particular, Lee discloses a cable lock that is self-locking, so that the lock may be locked without the use of a key, which Lee describes as more convenient than using a key:

The present invention relates to a cable lock, especially to a self-locking cable lock. . . . Cable locks are attached securely to cables that bind, lock and hold objects securely. Generally speaking, small, high value, pilferable objects such as computers, household appliances and the like on display need to be locked in place. Cable locks are used to keep the objects from being stolen. However, conventional cable locks must be locked and unlocked with keys. ***Using keys to lock conventional cable locks on objects is inconvenient*** because the keys must be controlled and protected. To overcome the shortcomings, ***the present invention provides a self-locking cable lock*** to mitigate or obviate the aforementioned problems.

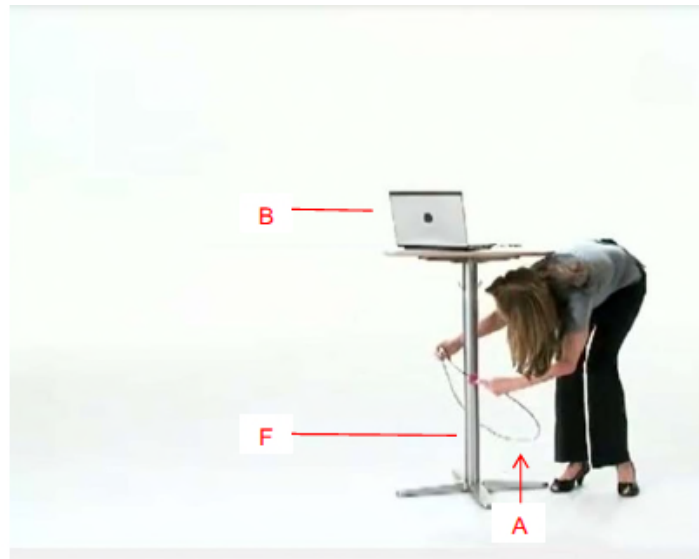
Ex. 1012 at 1:6-20 (emphasis added); see Fig. 1.

F. ClickSafe Product Website Video (Ex. 1013)

91. Exhibit 1013, the ClickSafe® Product Website Video (“ClickSafe video”), is a video promoting Kensington’s ClickSafe product line that was publicly available at the URL <http://clickittokeepit.com> from October 12, 2010 to September 3, 2011, and at <https://www.youtube.com/watch?v=CgdVMaOeNro> from November 29, 2010 to the present. Ex. 1015, Declaration of Robert Humphrey ¶¶ 4-6, 8; Exs. 1016-1018. Exhibit 1014 is a collection of still images obtained from frames of the Ex. 1013 video. Ex. 1015, Humphrey Decl. ¶ 9.

92. The ClickSafe video discloses a locking assembly A for securing a portable electronic device (laptop computer) B to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 6, 9:

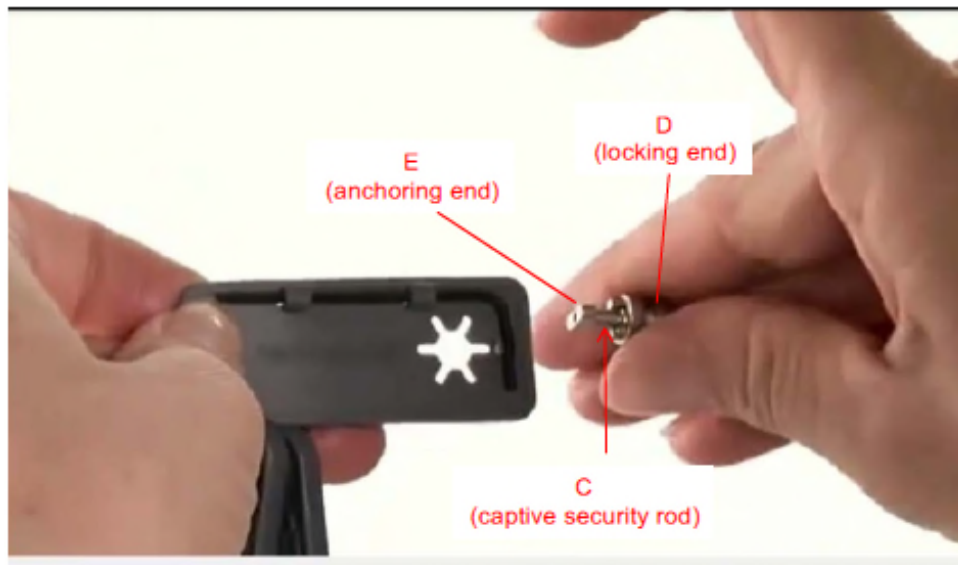




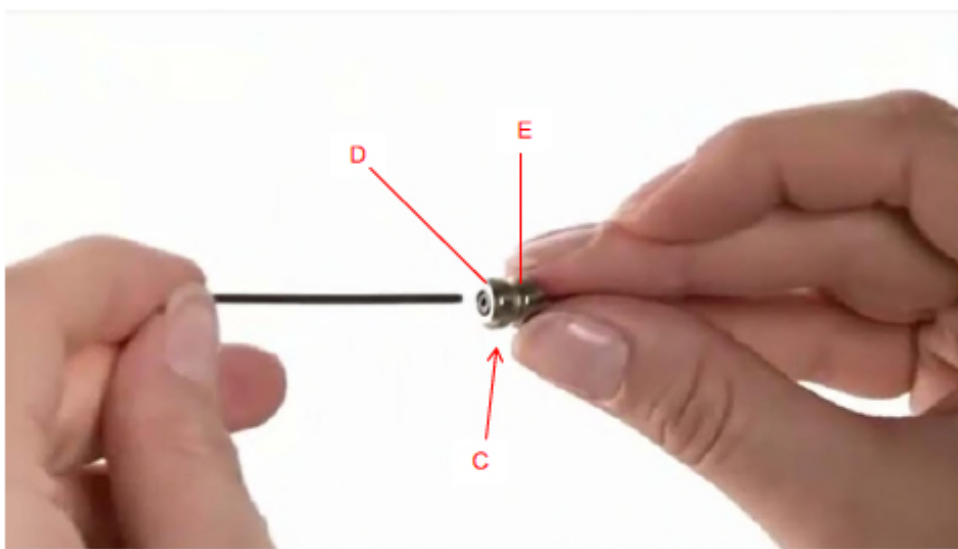
Kensington ClickSafe Keyed Laptop Lock

Ex. 1014 at 1, 6, 9.

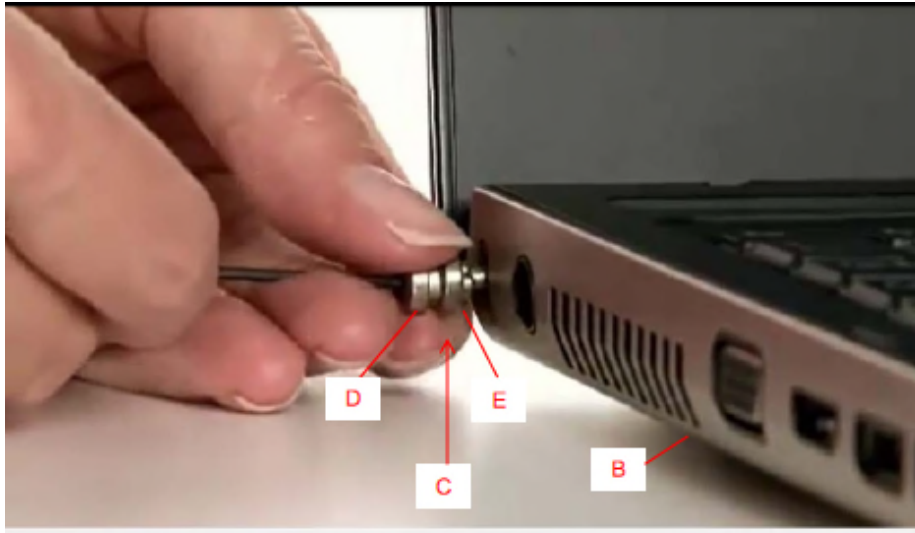
93. The locking assembly A includes a captive security rod C, with a locking end D and an anchoring end E, wherein the anchoring end E is passed through a housing of the portable electronic device B. Ex. 1013; Ex. 1014 at 2-5. As shown in pages 2-5 of Ex. 1014, the captive security rod C is installed in the laptop housing by inserting the T-shaped anchoring end E (shown in page 2) into a slot in the housing (page 4), using an Allen wrench to tighten the captive security rod in place (pages 3-4).



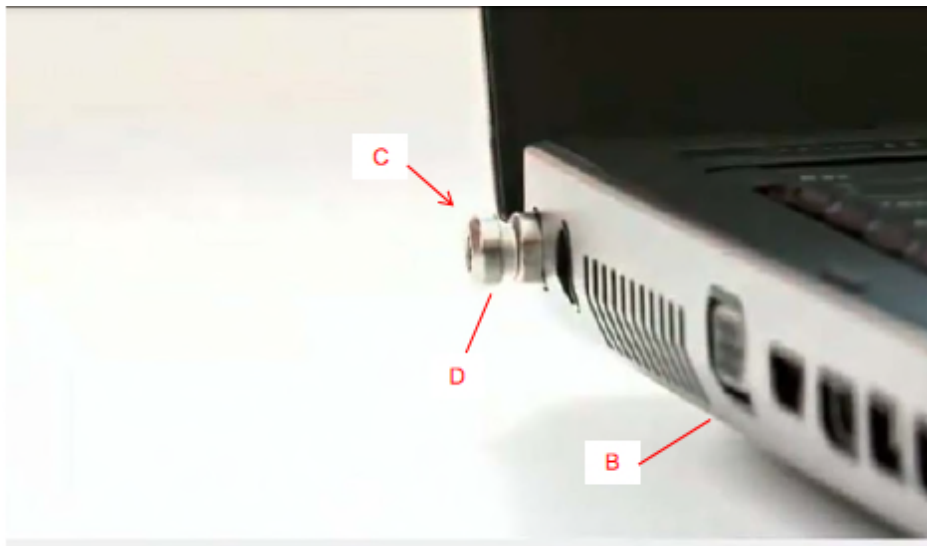
Kensington ClickSafe Keyed Laptop Lock



Kensington ClickSafe Keyed Laptop Lock



Kensington ClickSafe Keyed Laptop Lock



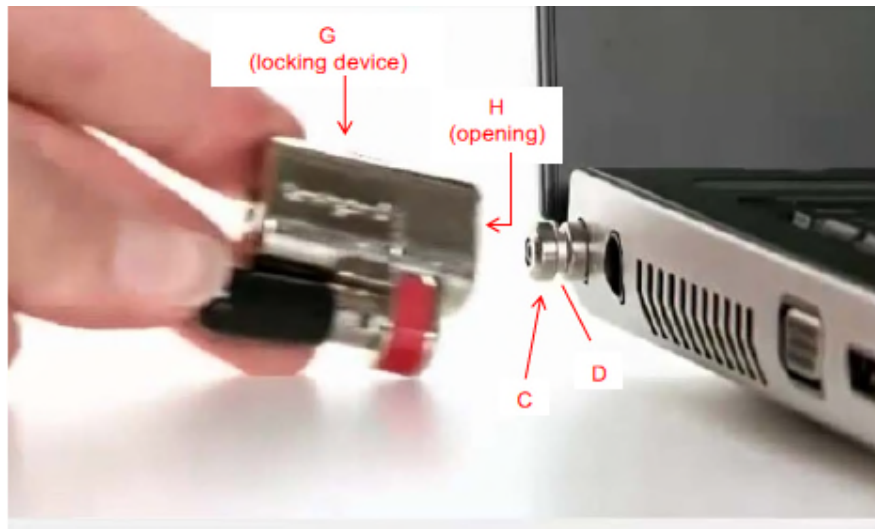
Kensington ClickSafe Keyed Laptop Lock

Ex. 1014 at 2-5.

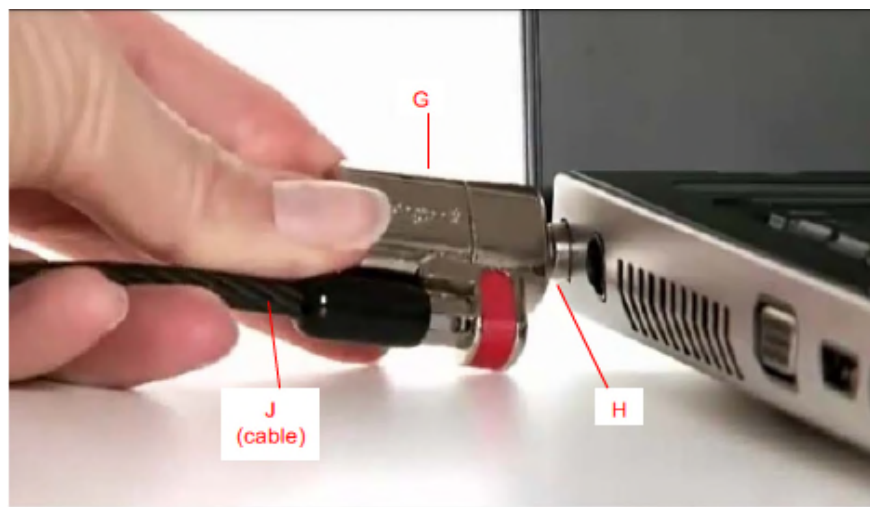
94. The captive security rod C is partially in the housing and partially out of the housing before and during locking use. Ex. 1013; Ex. 1014 at 4, 5, 11-13.

Pages 5 and 11 show the captive security rod C partially in the housing and

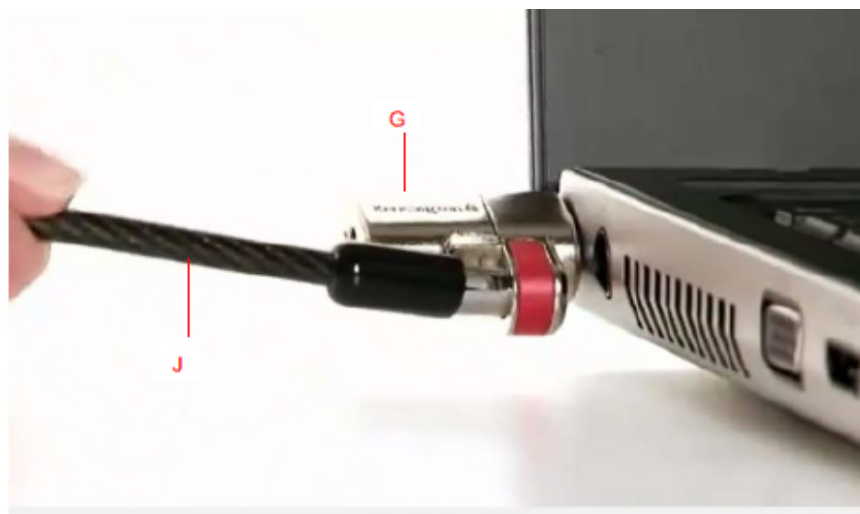
partially out of the housing before locking use, and pages 12 and 13 show that the captive security rod is in the same position after the locking device G is locked onto the captive security rod.



Kensington ClickSafe Keyed Laptop Lock



Kensington ClickSafe Keyed Laptop Lock



Kensington ClickSafe Keved Laptop Lock

Ex. 1014 at 11-13.

95. The ClickSafe locking assembly A disclosed in the ClickSafe video includes a locking device G with a locking mechanism including an opening H to receive the locking end D of the captive security rod C, to activate the locking mechanism and lock the captive security rod C and portable electronic device B to the locking device G. Ex. 1013; Ex. 1014 at 11-13. Although the opening H is not directly visible in the video images, the images show that there must be an opening in the locking device G in which the captive security rod is inserted, as shown in pages 11-13.

96. The ClickSafe locking assembly A disclosed in the ClickSafe video includes a cable J, for securing the locking device to a substantially immovable object B. Ex. 1013; Ex. 1014 at 1, 6-10. The cable J is permanently attached to the locking device G. Ex. 1013; Ex. 1014 at 1, 12.

97. The locking end D of the captive security rod C includes a knob that extends from the housing after the anchoring end E is anchored to the housing. Ex. 1013; Ex. 1014 at 11. The locking end/knob D is captured and held by the locking mechanism at locking actuation. Ex. 1013; Ex. 1014 at 11-13. The captive security rod C is stored in a recess (anchoring end E) and deployed in an extended position (locking end D). Ex. 1013; Ex. 1014 at 5, 11.

98. The portable electronic device B is a laptop computer, which includes first and second housings (one for the display, the other for the keyboard) connected by a hinge. The captive security rod C includes a locking end D that protrudes from the keyboard housing of the laptop computer, and extends and protrudes from the keyboard housing. Ex. 1013; Ex. 1014 at 1, 5, 11. The captive security rod C is inserted through and anchored in the keyboard housing of the laptop computer B. Ex. 1013; Ex. 1014 at 1, 13.

99. The ClickSafe locking assembly can be attached to any substantially immovable object, such as a base plate. Ex. 1013; Ex. 1014 at 1, 6-10.

100. Use of a base plate to secure a cable lock for a computer or other portable electronic device is well known in the art. See Paragraph 81 above.

101. The cable J has a loop K opposite its end that is permanently attached to the locking device, through which the locking device is passed after the cable J is wrapped around the substantially immovable object F, wherein after the locking

device is lockingly attached to the captive security rod C and therefore the portable electronic device B to which the captive security rod is anchored. Ex. 1013; Ex. 1014 at 1, 6-13.

102. The locking device G is a disk lock. POSA would understand that the locking device G is a disk lock by observing the device G and its key K. Ex. 1013; Ex. 1014 at 13, 14. The profile of the key indicates that the lock in which the key fits is a disk lock, because the key has machined, angled facets, which as known by POSA are designed to fit into a disk lock.



Kensington ClickSafe Keyed Laptop Lock

Ex. 1014 at 14.

103. The ClickSafe video discloses a method for using a locking assembly A for securing a portable electronic device (laptop computer) B with a housing to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 6, 9.

104. The locking assembly A includes a captive security rod C, with an anchoring end E separated axially by a protruding, locking end D. Ex. 1013; Ex. 1014 at 2-5. The captive security rod C is partially in the housing and partially out of the housing, before and during locking use. Ex. 1013; Ex. 1014 at 4, 5, 11-13. The locking assembly A includes a locking mechanism G, which is permanently attached to a cable J. Ex. 1013; Ex. 1014 at 1, 12.

105. The method includes securing the anchoring end E of the captive security rod C to the laptop computer B through the lower housing of the laptop computer B. Ex. 1013; Ex. 1014 at 3-5.

106. The method includes attaching an end of the cable J to the substantially immovable object F. Ex. 1013; Ex. 1014 at 6-10.

107. The method includes inserting the protruding end D of the captive security rod C into an opening H of the locking device G, to actuate the locking mechanism and lock the locking device G to the captive security rod C, and therefore the laptop computer B to the substantially immovable object F. Ex. 1013; Ex. 1014 at 11-13.

VI. OPINIONS ON GROUNDS FOR INTER PARTES REVIEW

A. Disclosure of Claim Limitations in the Prior Art

108. In my opinion, all elements of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent are known in the prior art, and these claims are obvious over various combinations of prior art, as explained below.

109. McDaid was issued on March 26, 2002, which is more than one year before the earliest priority date for claims of the '758 and '144 patents. Ex. 1008. Accordingly, I understand that McDaid is considered prior art to the '758 and '144 patents under the patent statute, 35 U.S.C. § 102(b).

110. As summarized in the table below, nearly all limitations of claims 1-7, 9-14, and 16 of the '758 patent are disclosed in McDaid.

| '758 Patent Claims | McDaid, USP 6,360,405 |
|---|--|
| 1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising: | <p>“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers.” 1:57-59.</p> <p>“The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured.</p> |

| '758 Patent Claims | McDaid, USP 6,360,405 |
|---|---|
| | <p>These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.”</p> <p>3:17-24; see Figs. 1, 10.</p> |
| <p>[b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is passed through the at least one housing to anchor the captive security rod thereto;</p> | <p>McDaid discloses a captive security rod (anchor 20) having a locking end (internal member 22) and an anchoring end (external member 24), wherein the anchoring end is passed through the housing to anchor the captive security rod:</p> <p>“The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . . The retaining portion 32 extends from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion 32 makes contact with the inner surface 16 of the article wall 18 when the anchor 20 is installed.”</p> <p>3:26-43; see Figs. 1-3.</p> |
| <p>[c] said captive security rod partially in said at least one housing and partially out of said at least one housing during and</p> | <p>McDaid discloses a captive security rod (20) that is partially in the housing (internal member 22) and</p> |

| '758 Patent Claims | McDaid, USP 6,360,405 |
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| before locking use; and | <p>partially out of the housing (external member 24) before and during locking use (attachment to tether 102):</p> <p>“The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.”</p> <p>3:53-55; see Fig. 3.</p> |
| [d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the security rod and portable electronic device to the locking device. | <p>McDaid discloses a locking device with a locking mechanism (tether 102, including locking head 104), with an opening 132 to receive the locking end of the captive security rod (knob 60 of external member 24):</p> <p>“The tether 102 . . . includes a locking head 104 and a cable 106. . . . The locking head is composed of a . . . housing 122, an eyelet 124, a cup 126, a cylinder 128, and a barrel 130. . . . The outer end has an opening 132 for receiving the anchor knob 60.”</p> <p>5:41-6:15; see Figs. 1, 8.</p> |
| 2. The locking assembly as set forth in claim 1, further comprising means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object. | <p>McDaid discloses means for securing the locking device to a substantially non-movable object, including a cable 106 that can be attached to a stationary fixture 6, such as a table:</p> <p>“The tether 102 is attached to the stationary fixture 6. In one method</p> |

| '758 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.”</p> <p>7:30-34; Fig. 10.</p> |
| <p>3. The locking assembly as set forth in claim 1, wherein the means for securing is a cable or lanyard.</p> | <p>McDaid discloses means for securing the locking device to a substantially non-movable object, including a cable 106 that can be attached to a stationary fixture 6, such as a table:</p> <p>“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.”</p> <p>7:30-34; Fig. 10.</p> |
| <p>4. The locking assembly as set forth in claim 3, wherein the cable or lanyard is permanently attached to the locking device.</p> | <p>The cable 106 (including braid 108) is permanently attached to the locking head 104 by a swage 182 and eyelet 124:</p> <p>“The last component of the locking head 104 is the eyelet 124, which attaches the cable 106 to the locking head 104. . . . A swage 182 is clamped to the end of the cable 106 to prevent the cable 106 from being pulled back through the bore 180 and from the eyelet 124.”</p> <p>7:1-15; Fig. 8.</p> |
| <p>5. The locking assembly as set forth in claim 1, wherein the locking end of the</p> | <p>The captive security rod 20 includes an external member 24 that extends</p> |

| '758 Patent Claims | McDaid, USP 6,360,405 |
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| captive security rod comprises a knob that extends from the at least one housing after the anchoring end anchors the captive security rod thereto. | <p>from the housing and includes a knob 60 that extends from the housing after the anchoring end 22 is anchored to the housing:</p> <p>“The anchor device 20 of the present invention provides a knob 60 with an annular groove 62 for removably attaching the tether 102. In one configuration, shown in FIGS. 2 and 3, the knob 60 is formed in the external member 24.”</p> <p>5:25-28; Figs. 2-3.</p> |
| 6. The locking assembly as set forth in claim 5, wherein the small knob that is captured and held by the locking mechanism at locking actuation. | <p>The anchor 20, including knob 60, is captured and held by the locking head 104 at locking actuation:</p> <p>“The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into the cup apertures 138. Then the locking head 104 is placed on the anchor 20 and the key 158 is rotated back to the closed position, securing the ball bearings 140 in the knob annular groove 62.”</p> <p>7:33-39.</p> |
| 7. The locking assembly as set forth in claim 1, wherein the captive security rod, upon anchoring to the at least one housing of the portable electronic device is stored in a recess and grasped to deploy in an extended position. | <p>The captive security rod is stored in a recess (internal member 22), and deployed in an extended position (external member 24).</p> <p>“The external member 24 secures the internal member 22 into the slot</p> |

| '758 Patent Claims | McDaid, USP 6,360,405 |
|---|--|
| | 12 and provides an anchor 44 for attaching the tether 102.” 3:53-55; see Fig. 3. |
| 9. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises any of the group consisting of a laptop computer, a notebook computer, and tablet computer, a cell phone, a camera, a Smartphone, a music storage and a playback device. | “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.” 1:57-59; see Fig. 10. |
| 10. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises a first housing, a second housing and a hinge, wherein said hinge separates and allows said first housing to be closed upon said second housing and wherein said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing. | “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.” 1:57-59; see Fig. 10. |
| 11. The locking assembly as set forth in claim 10, wherein said second housing is a keyboard part and said captive security rod is inserted through and anchored, and operates to extend in a deployed position out of a surface of said second housing. | “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.” 1:57-59; see Fig. 10. |
| 12. The locking assembly as set forth in claim 1, wherein the substantially immovable object is a base plate. | The McDaid locking device can be attached to any substantially immovable object, such as a base plate. “The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table |

| '758 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.”</p> <p>3:17-24; see Figs. 1, 10.</p> <p>Use of a base plate to secure a cable lock for a computer or other portable electronic device is well known in the art. <i>See, e.g.</i>, Ex. 1006, Makous, U.S. Patent No. 5,050,836, at 3:63-4:10; Figs. 1-2 (describing a “cable security system” for locking a computer or other portable equipment to a base plate 22 with a security cable).</p> |
| <p>13. The locking assembly as set forth in claim 2 [sic, 3], wherein the cable or lanyard has a loop opposite its end permanently attached to the locking device through which the locking device is passed after the cable is wrapped around the substantially immovable object wherein after the locking device is lockingly attached to the captive security rod and, therefore, the portable electronic device to which the captive security rod is anchored.</p> | <p>“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.”</p> <p>7:30-34; Fig. 10.</p> |
| <p>14. The locking assembly as set forth in claim 1, wherein the locking device is a pin lock.</p> | <p>McDaid discloses a locking assembly in which the locking device is a pin lock. <i>See</i> Fig. 1. POSA would understand that McDaid discloses a pin lock, by</p> |

| '758 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>observing the lock mechanism shown in Fig. 1. POSA would recognize that Fig. 1 depicts a tubular keyway opening at the top of the lock, and that the lock depicted in Fig. 1 is a tubular key type of pin lock.</p> |
| <p>16. [a] A method for securing a portable electronic device having a housing [sic, housing] to a substantially immovable object utilizing a locking assembly, the locking assembly comprising a captive security rod or spike formed with an anchoring end separated axially by a protruding end, said captive security rod being captive partially in said at least one housing and partially out of said at least one housing during and before locking use; a locking device with an internal locking mechanism and a cable permanently attached to the locking device at one end, the method comprising acts of:</p> | <p>“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers.” 1:57-59.</p> <p>“The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.”</p> <p>3:17-24; see Figs. 1, 10.</p> <p>“The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement</p> |

| '758 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . . The retaining portion 32 extends from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion 32 makes contact with the inner surface 16 of the article wall 18 when the anchor 20 is installed.”</p> <p>3:26-43; see Figs. 1-3.</p> <p>“The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.”</p> <p>3:53-55; see Fig. 3.</p> <p>“The tether 102 . . . includes a locking head 104 and a cable 106. . . . The locking head is composed of a . . . housing 122, an eyelet 124, a cup 126, a cylinder 128, and a barrel 130. . . . The outer end has an opening 132 for receiving the anchor knob 60.”</p> <p>5:41-6:15; see Figs. 1, 8.</p> |
| [b] securedly fixing the anchoring end of the captive security rod or spike to the portable electronic device upon or through the housing; | <p>“The anchor of FIG. 2 is installed by curling the retaining portion 32 and slot engaging portion 34 of the internal member 22 into the slot 12, fitting the external member aperture 46 onto the external member engaging portion 36 of the internal</p> |

| '758 Patent Claims | McDaid, USP 6,360,405 |
|--|--|
| | member 22, and securing the external member 24 to the internal member 22 with the screw 58.” 7:17-22; see Figs. 2, 3. |
| [c] attaching an other end of the cable to the substantially immovable object; and | “The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.” 7:30-34; Fig. 10. |
| [d] inserting the protruding end of the captive, security rod into an opening in the locking device to actuate the internal locking mechanism and lock the locking device to the captive security rod and, therefore, the portable electronic device to which it is anchored, to the substantially immovable object. | “The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into the cup apertures 138. Then the locking head 104 is placed on the anchor 20 and the key 158 is rotated back to the closed position, securing the ball bearings 140 in the knob annular groove 62.” 7:33-39. |

111. As summarized in the table below, nearly all limitations of claims 1-12 and 14-20 of the '144 patent are disclosed in McDaid.

| '144 Patent Claims | McDaid, USP 6,360,405 |
|---|---|
| 1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly | “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| comprising: | <p>particularly laptop computers.” 1:57-59.</p> <p>“The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.”</p> <p>3:17-24; see Figs. 1, 10.</p> |
| [b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is installed in the at least one housing to anchor the captive security rod thereto; | <p>McDaid discloses a captive security rod (anchor 20) having a locking end (internal member 22) and an anchoring end (external member 24), wherein the anchoring end is passed through the housing to anchor the captive security rod:</p> <p>“The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . . The retaining portion 32 extends</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion 32 makes contact with the inner surface 16 of the article wall 18 when the anchor 20 is installed.”</p> <p>3:26-43; see Figs. 1-3.</p> |
| <p>[c] said captive security rod being captive partially in said at least one housing after installation and partially out of said at least one housing during and before locking use after installation; and,</p> | <p>McDaid discloses a captive security rod (20) that is partially in the housing (internal member 22) and partially out of the housing (external member 24) before and during locking use (attachment to tether 102):</p> <p>“The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.”</p> <p>3:53-55; see Fig. 3.</p> |
| <p>[d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the installed security rod and portable electronic device to the locking device.</p> | <p>McDaid discloses a locking device with a locking mechanism (tether 102, including locking head 104), with an opening 132 to receive the locking end of the captive security rod (knob 60 of external member 24):</p> <p>“The tether 102 . . . includes a locking head 104 and a cable 106. . . The locking head is composed of a . . . housing 122, an eyelet 124, a cup 126, a cylinder 128, and a barrel 130. . . The outer end has an opening 132 for receiving the</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>anchor knob 60.”</p> <p>5:41-6:15; see Figs. 1, 8.</p> |
| <p>2. The locking assembly as set forth in claim 1, further comprising means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object.</p> | <p>McDaid discloses means for securing the locking device to a substantially non-movable object, including a cable 106 that can be attached to a stationary fixture 6, such as a table:</p> <p>“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.”</p> <p>7:30-34; Fig. 10.</p> |
| <p>3. The locking assembly as set forth in claim 2, wherein the means for securing is a cable or lanyard.</p> | <p>McDaid discloses means for securing the locking device to a substantially non-movable object, including a cable 106 that can be attached to a stationary fixture 6, such as a table:</p> <p>“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.”</p> <p>7:30-34; Fig. 10.</p> |
| <p>4. The locking assembly as set forth in claim 3, wherein the cable or lanyard is permanently attached to the locking device.</p> | <p>The cable 106 (including braid 108) is permanently attached to the locking head 104 by a swage 182 and eyelet 124:</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>“The last component of the locking head 104 is the eyelet 124, which attaches the cable 106 to the locking head 104. . . . A swage 182 is clamped to the end of the cable 106 to prevent the cable 106 from being pulled back through the bore 180 and from the eyelet 124.”</p> <p>7:1-15; Fig. 8.</p> |
| <p>5. The locking assembly as set forth in claim 1, wherein the locking end of the captive security rod comprises a knob that extends from the at least one housing after the anchoring end anchors the captive security rod thereto.</p> | <p>The captive security rod 20 includes an external member 24 that extends from the housing and includes a knob 60 that extends from the housing after the anchoring end 22 is anchored to the housing:</p> <p>“The anchor device 20 of the present invention provides a knob 60 with an annular groove 62 for removably attaching the tether 102. In one configuration, shown in FIGS. 2 and 3, the knob 60 is formed in the external member 24.”</p> <p>5:25-28; Figs. 2-3.</p> |
| <p>6. The locking assembly as set forth in claim 5, wherein said knob is captured and held by the locking mechanism at locking actuation.</p> | <p>The anchor 20, including knob 60, is captured and held by the locking head 104 at locking actuation:</p> <p>“The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into the cup apertures 138. Then the locking head 104 is placed on the anchor 20 and the key 158 is rotated</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>back to the closed position, securing the ball bearings 140 in the knob annular groove 62.”</p> <p>7:33-39.</p> |
| <p>7. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises any of the group consisting of a laptop computer, a notebook computer, and tablet computer, a cell phone, a camera, a Smartphone, a music storage and a playback device.</p> | <p>“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.”</p> <p>1:57-59; see Fig. 10.</p> |
| <p>8. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises a first housing, a second housing and a hinge, wherein said hinge separates and allows said first housing to be closed upon said second housing and wherein said captive security rod is deployed to extend and protrude from any surface of said first to housing or said second housing.</p> | <p>“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.”</p> <p>1:57-59; see Fig. 10.</p> |
| <p>9. The locking assembly as set forth in claim 8, wherein said second housing is a keyboard part and said captive security rod is inserted through and anchored, and operates to extend in a deployed position out of a surface of said second housing.</p> | <p>“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.”</p> <p>1:57-59; see Fig. 10.</p> |
| <p>10. The locking assembly as set forth in claim 1, wherein the substantially immovable object is a base plate.</p> | <p>The McDaid locking device can be attached to any substantially immovable object, such as a base plate.</p> <p>“The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.”</p> <p>3:17-24; see Figs. 1, 10.</p> <p>Use of a base plate to secure a cable lock for a computer or other portable electronic device is well known in the art. <i>See, e.g.</i>, Ex. 1006, Makous, U.S. Patent No. 5,050,836, at 3:63-4:10; Figs. 1-2 (describing a “cable security system” for locking a computer or other portable equipment to a base plate 22 with a security cable).</p> |
| <p>11. The locking assembly as set forth in claim 2, wherein the cable or lanyard has a loop opposite its end permanently attached to the locking device through which the locking device is passed after the cable is wrapped around the substantially immovable object whereinafter the locking device is lockingly attached to the captive security rod and, therefore, the portable electronic device to which the captive security rod is anchored.</p> | <p>“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.”</p> <p>7:30-34; Fig. 10.</p> |
| <p>12. The locking assembly as set forth in claim 1, wherein the locking device is a pin lock.</p> | <p>McDaid discloses a locking assembly in which the locking device is a pin lock. <i>See</i> Fig. 1. POSA would understand that</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | McDaid discloses a pin lock, by observing the lock mechanism shown in Fig. 1. POSA would recognize that Fig. 1 depicts a tubular keyway opening at the top of the lock, and that the lock depicted in Fig. 1 is a tubular key type of pin lock. |
| 14. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising: | <p>“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers.” 1:57-59.</p> <p>“The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.”</p> <p>3:17-24; see Figs. 1, 10. “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers.” 1:57-59.</p> <p>“The security anchor/tether assemblage 100 of the present</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
|---|--|
| | <p>invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.”</p> <p>3:17-24; see Figs. 1, 10.</p> |
| <p>[b] a captive security rod or spike having a locking end and an anchoring end, said anchoring end of said captive security rod or spike configured for installing to the at least one housing by anchoring to the portable electronic device through the at least one housing;</p> | <p>McDaid discloses a captive security rod (anchor 20) having a locking end (internal member 22) and an anchoring end (external member 24), wherein the anchoring end is passed through the housing to anchor the captive security rod:</p> <p>“The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . . The retaining portion 32 extends from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion 32 makes contact with the inner surface 16 of the</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>article wall 18 when the anchor 20 is installed.”</p> <p>3:26-43; see Figs. 1-3.</p> |
| <p>[c] a locking device having a lock opening to a locking mechanism, said locking device configured to lock to said captive security rod or spike upon insertion of the locking end of said installed security rod or spike into said lock opening to actuate said locking mechanism, therein locking said locking device to said captive security rod or spike; and,</p> | <p>McDaid discloses a locking device with a locking mechanism (tether 102, including locking head 104), with an opening 132 to receive the locking end of the captive security rod (knob 60 of external member 24):</p> <p>“The tether 102 . . . includes a locking head 104 and a cable 106. . . . The locking head is composed of a . . . housing 122, an eyelet 124, a cup 126, a cylinder 128, and a barrel 130. . . . The outer end has an opening 132 for receiving the anchor knob 60.”</p> <p>5:41-6:15; see Figs. 1, 8.</p> |
| <p>[d] a cable attached to said locking device and configured for fastening to the to substantially immovable object prior to locking said locking device to said installed captive security rod or spike,</p> | <p>McDaid discloses means for securing the locking device to a substantially non-movable object, including a cable 106 that can be attached to a stationary fixture 6, such as a table:</p> <p>“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.”</p> <p>7:30-34; Fig. 10.</p> |
| <p>[e] wherein said locking end of said</p> | <p>The captive security rod 20 includes</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| <p>installed captive security rod or spike comprises a small knob axially located on a distal end of said captive security rod or spike,</p> | <p>an external member 24 that extends from the housing and includes a knob 60 that extends from the housing after the anchoring end 22 is anchored to the housing:</p> <p>“The anchor device 20 of the present invention provides a knob 60 with an annular groove 62 for removably attaching the tether 102. In one configuration, shown in FIGS. 2 and 3, the knob 60 is formed in the external member 24.”</p> <p>5:25-28; Figs. 2-3.</p> |
| <p>[f] wherein said installed captive security rod or spike is positioned in a recess in the at least one housing during non-use, and said small knob protrudes from the at least one housing during non-use.</p> | <p>McDaid discloses a captive security rod (20) that is partially in the housing (internal member 22) and partially out of the housing (external member 24) before and during locking use (attachment to tether 102):</p> <p>“The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.”</p> <p>3:53-55; see Fig. 3.</p> <p>The captive security rod 20 includes an external member 24 that extends from the housing and includes a knob 60 that extends from the housing after the anchoring end 22 is anchored to the housing:</p> <p>“The anchor device 20 of the</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>present invention provides a knob 60 with an annular groove 62 for removably attaching the tether 102. In one configuration, shown in FIGS. 2 and 3, the knob 60 is formed in the external member 24.”</p> <p>5:25-28; Figs. 2-3.</p> |
| <p>15. The locking assembly as set forth in claim 14, wherein said locking end of said captive security rod or spike comprises a knob that extends from the at least one housing after the anchoring end anchors said captive security rod or spike thereto.</p> | <p>The captive security rod 20 includes an external member 24 that extends from the housing and includes a knob 60 that extends from the housing after the anchoring end 22 is anchored to the housing:</p> <p>“The anchor device 20 of the present invention provides a knob 60 with an annular groove 62 for removably attaching the tether 102. In one configuration, shown in FIGS. 2 and 3, the knob 60 is formed in the external member 24.”</p> <p>5:25-28; Figs. 2-3.</p> |
| <p>16. The locking assembly as set forth in claim 15, wherein the small knob that is captured and held by the locking mechanism at locking actuation.</p> | <p>The anchor 20, including knob 60, is captured and held by the locking head 104 at locking actuation:</p> <p>“The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into the cup apertures 138. Then the locking head 104 is placed on the anchor 20 and the key 158 is rotated back to the closed position, securing the ball bearings 140 in the knob</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | annular groove 62.” 7:33-39. |
| 17. The locking assembly as set forth in claim 14, wherein said portable electronic device comprises any of the group consisting of a laptop computer, a notebook computer, and tablet computer, a cell phone, a camera, a Smartphone, a music storage and a playback device. | “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.” 1:57-59; see Fig. 10. |
| 18. The locking assembly as set forth in claim 14, wherein said portable electronic device comprises a first housing, a second housing and a hinge, wherein said hinge separates and allows said first housing to be closed upon said second housing and wherein said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing. | “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.” 1:57-59; see Fig. 10. |
| 19. The locking assembly as set forth in claim 18, wherein said second housing is a keyboard part and said captive security rod is inserted through and anchored, and operates to extend in a deployed position out of a surface of said second housing. | “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.” 1:57-59; see Fig. 10. |
| 20. [a] A method for securing a portable electronic device having a housing to a substantially immovable object utilizing a locking assembly, the locking assembly comprising a security rod or spike formed with an anchoring end separated axially by a protruding end, a locking device with an internal locking mechanism and a cable permanently attached to the locking device at one end, the method comprising acts of: | “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers.” 1:57-59. “The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.”</p> <p>3:17-24; see Figs. 1, 10.</p> <p>“The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . . The retaining portion 32 extends from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion 32 makes contact with the inner surface 16 of the article wall 18 when the anchor 20 is installed.”</p> <p>3:26-43; see Figs. 1-3.</p> <p>“The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.”</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| | <p>3:53-55; see Fig. 3.</p> <p>“The tether 102 . . . includes a locking head 104 and a cable 106. . . . The locking head is composed of a . . . housing 122, an eyelet 124, a cup 126, a cylinder 128, and a barrel 130. . . . The outer end has an opening 132 for receiving the anchor knob 60.”</p> <p>5:41-6:15; see Figs. 1, 8.</p> |
| [b] securely installing the anchoring end of the security rod or spike to the portable electronic device in the housing; | <p>“The anchor of FIG. 2 is installed by curling the retaining portion 32 and slot engaging portion 34 of the internal member 22 into the slot 12, fitting the external member aperture 46 onto the external member engaging portion 36 of the internal member 22, and securing the external member 24 to the internal member 22 with the screw 58.”</p> <p>7:17-22; see Figs. 2, 3.</p> |
| [c] attaching an other end of the cable to the substantially immovable object; and | <p>“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.”</p> <p>7:30-34; Fig. 10.</p> |
| [d] inserting the locking end of the security rod or spike into an opening in the locking device to actuate the internal locking mechanism and lock the locking device to the captive security rod or | <p>“The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into</p> |

| '144 Patent Claims | McDaid, USP 6,360,405 |
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| spike and, therefore, the portable electronic device to which it is anchored, to the substantially immovable object. | the cup apertures 138. Then the locking head 104 is placed on the anchor 20 and the key 158 is rotated back to the closed position, securing the ball bearings 140 in the knob annular groove 62.” 7:33-39. |

112. As summarized in the table below, nearly all limitations of claims 1-7, 9-14, and 16 of the '758 patent are disclosed in the ClickSafe video, Ex. 1013.

| '758 Patent Claims | ClickSafe |
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| 1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising: | The ClickSafe video discloses a locking assembly A for securing a portable electronic device B to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 6, 9. |
| [b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is passed through the at least one housing to anchor the captive security rod thereto; | The locking assembly A includes a captive security rod C, with a locking end D and an anchoring end E, wherein the anchoring end E is passed through a housing of the portable electronic device B. Ex. 1013; Ex. 1014 at 2-5. |
| [c] said captive security rod partially in said at least one housing and partially out of said at least one housing during and before locking use; and | The captive security rod C is partially in the housing and partially out of the housing before and during locking use. Ex. 1013; Ex. 1014 at 4, 5, 11-13. |
| [d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking | The ClickSafe video discloses a locking device G with a locking mechanism including an opening H to receive the locking end D of the captive security rod C, to activate the locking mechanism and lock the |

| '758 Patent Claims | ClickSafe |
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| mechanism to securely grasp the locking end and thereby lock the security rod and portable electronic device to the locking device. | captive security rod C and portable electronic device B to the locking device G. Ex. 1013; Ex. 1014 at 11-13. |
| 2. The locking assembly as set forth in claim 1, further comprising means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object. | The ClickSafe video discloses a cable J, for securing the locking device to a substantially immovable object B. Ex. 1013; Ex. 1014 at 1, 6-10. |
| 3. The locking assembly as set forth in claim 1, wherein the means for securing is a cable or lanyard. | The ClickSafe video discloses a cable J, for securing the locking device to a substantially immovable object B. Ex. 1013; Ex. 1014 at 1, 6-10. |
| 4. The locking assembly as set forth in claim 3, wherein the cable or lanyard is permanently attached to the locking device. | The cable J is permanently attached to the locking device G. Ex.; Ex. 1014 at 1, 12. |
| 5. The locking assembly as set forth in claim 1, wherein the locking end of the captive security rod comprises a knob that extends from the at least one housing after the anchoring end anchors the captive security rod thereto. | The locking end D of the captive security rod C includes a knob that extends from the housing after the anchoring end E is anchored to the housing. Ex. 1013; Ex. 1014 at 11. |
| 6. The locking assembly as set forth in claim 5, wherein the small knob that is captured and held by the locking mechanism at locking actuation. | The locking end/knob D is captured and held by the locking mechanism at locking actuation. Ex. 1013; Ex. 1014 at 11-13. |
| 7. The locking assembly as set forth in claim 1, wherein the captive security rod, upon anchoring to the at least one housing of the portable electronic device is stored in a recess and grasped to deploy in an extended position. | The captive security rod C is stored in a recess (anchoring end E) and deployed in an extended position (locking end D). Ex. 1013; Ex. 1014 at 5, 11. |
| 9. The locking assembly as set forth in | The portable electronic device B is |

| '758 Patent Claims | ClickSafe |
|---|---|
| claim 1, wherein said portable electronic device comprises any of the group consisting of a laptop computer, a notebook computer, and tablet computer, a cell phone, a camera, a Smartphone, a music storage and a playback device. | a laptop computer. Ex. 1013; Ex. 1014 at 1. |
| 10. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises a first housing, a second housing and a hinge, wherein said hinge separates and allows said first housing to be closed upon said second housing and wherein said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing. | The portable electronic device B is a laptop computer, which includes first and second housings connected by a hinge. The captive security rod C includes a locking end D that protrudes from the keyboard housing of the laptop computer, and extends and protrudes from the keyboard housing. Ex. 1013; Ex. 1014 at 1, 5, 11. |
| 11. The locking assembly as set forth in claim 10, wherein said second housing is a keyboard part and said captive security rod is inserted through and anchored, and operates to extend in a deployed position out of a surface of said second housing. | The captive security rod C is inserted through and anchored in the keyboard housing of the laptop computer B. Ex. 1013; Ex. 1014 at 1, 13. |
| 12. The locking assembly as set forth in claim 1, wherein the substantially immovable object is a base plate. | <p>The ClickSafe locking assembly can be attached to any substantially immovable object, such as a base plate. Ex. 1013; Ex. 1014 at 1, 6-10.</p> <p>Use of a base plate to secure a cable lock for a computer or other portable electronic device is well known in the art. <i>See, e.g.</i>, Ex. 1006, Makous, U.S. Patent No. 5,050,836, at 3:63-4:10; Figs. 1-2 (describing a “cable security system” for locking a computer or other portable equipment to a base plate 22 with a security cable).</p> |
| 13. The locking assembly as set forth in | The cable J has a loop K opposite |

| '758 Patent Claims | ClickSafe |
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| <p>claim 2 [sic, 3], wherein the cable or lanyard has a loop opposite its end permanently attached to the locking device through which the locking device is passed after the cable is wrapped around the substantially immovable object wherein after the locking device is lockingly attached to the captive security rod and, therefore, the portable electronic device to which the captive security rod is anchored.</p> | <p>its end that is permanently attached to the locking device, through which the locking device is passed after the cable J is wrapped around the substantially immovable object F, wherein after the locking device is lockingly attached to the captive security rod C and the portable electronic device B. Ex. 1013; Ex. 1014 at 1, 6-13.</p> |
| <p>14. The locking assembly as set forth in claim 1, wherein the locking device is a pin lock.</p> | <p>Although locking device G is a disk lock, not a pin lock, pin locks of an appropriate size were readily available at the time, at a relatively low cost compared to a disk lock, and pin locks were known to be mechanically easy to incorporate in the lock design. For example, this was known because, McDaid discloses a cable lock for portable electronic devices that includes a pin lock used in combination with a captive security rod, and this shows that POSA would have a reason to combine a pin lock with the locking assembly disclosed in the ClickSafe video. In addition, POSA would have a reason to substitute a pin lock for the disk lock of the ClickSafe video because a pin lock would be known to be suitable to substitute for a disk lock in this application, for use in a lower-cost product, relative to the cost of a product including a disk lock. Ex. 1013; Ex. 1014 at 13, 14.</p> |
| <p>16. [a] A method for securing a portable electronic device having a horsing [sic,</p> | <p>The ClickSafe video discloses a method for using a locking</p> |

| '758 Patent Claims | ClickSafe |
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| <p>housing] to a substantially immovable object utilizing a locking assembly, the locking assembly comprising a captive security rod or spike formed with an anchoring end separated axially by a protruding end, said captive security rod being captive partially in said at least one housing and partially out of said at least one housing during and before locking use; a locking device with an internal locking mechanism and a cable permanently attached to the locking device at one end, the method comprising acts of:</p> | <p>assembly A for securing a portable electronic device (laptop computer) B with a housing to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 6, 9.</p> <p>The locking assembly A includes a captive security rod C, with an anchoring end E separated axially by a protruding, locking end D. Ex. 1013; Ex. 1014 at 2-5. The captive security rod C is partially in the housing and partially out of the housing, before and during locking use. Ex. 1013; Ex. 1014 at 4, 5, 11-13. The locking assembly A includes a locking mechanism G, which is permanently attached to a cable J. Ex. 1013; Ex. 1014 at 1, 12.</p> |
| <p>[b] securedly fixing the anchoring end of the captive security rod or spike to the portable electronic device upon or through the housing;</p> | <p>The method includes securing the anchoring end E of the captive security rod C to the laptop computer B through the lower housing of the laptop computer B. Ex. 1013; Ex. 1014 at 3-5.</p> |
| <p>[c] attaching an other end of the cable to the substantially immovable object; and</p> | <p>The method includes attaching an end of the cable J to the substantially immovable object F. Ex. 1013; Ex. 1014 at 6-10.</p> |
| <p>[d] inserting the protruding end of the captive, security rod into an opening in the locking device to actuate the internal locking mechanism and lock the locking device to the captive security rod and, therefore, the portable electronic device to which it is anchored, to the substantially immovable object.</p> | <p>The method includes inserting the protruding end D of the captive security rod C into an opening H of the locking device G, to actuate the locking mechanism and lock the locking device G to the captive security rod C, and therefore the laptop computer B to the substantially immovable object F. Ex. 1013; Ex. 1014 at 11-13.</p> |

113. As summarized in the table below, all limitations of claims 1-12 and 14-20 of the '144 patent are disclosed in the ClickSafe video, Ex. 1013.

| '144 Patent Claims | ClickSafe |
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| 1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising: | The ClickSafe video discloses a locking assembly A for securing a portable electronic device B to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 6, 9. |
| [b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is installed in the at least one housing to anchor the captive security rod thereto; | The locking assembly A includes a captive security rod C, with a locking end D and an anchoring end E, wherein the anchoring end E is passed through a housing of the portable electronic device B. Ex. 1013; Ex. 1014 at 2-5. |
| [c] said captive security rod being captive partially in said at least one housing after installation and partially out of said at least one housing during and before locking use after installation; and, | The captive security rod C is partially in the housing and partially out of the housing before and during locking use. Ex. 1013; Ex. 1014 at 4, 5, 11-13. |
| [d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the installed security rod and portable electronic device to the locking device. | The ClickSafe video discloses a locking device G with a locking mechanism including an opening H to receive the locking end D of the captive security rod C, to activate the locking mechanism and lock the captive security rod C and portable electronic device B to the locking device G. Ex. 1013; Ex. 1014 at 11-13. |
| 2. The locking assembly as set forth in claim 1, further comprising means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the | The ClickSafe video discloses a cable J, for securing the locking device to a substantially immovable object B. Ex. 1013; Ex. 1014 at 1, 6-10. |

| '144 Patent Claims | ClickSafe |
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| captive security rod is anchored, to a substantially non-movable object. | |
| 3. The locking assembly as set forth in claim 2, wherein the means for securing is a cable or lanyard. | The ClickSafe video discloses a cable J, for securing the locking device to a substantially immovable object B. Ex. 1013; Ex. 1014 at 1, 6-10. |
| 4. The locking assembly as set forth in claim 3, wherein the cable or lanyard is permanently attached to the locking device. | The cable J is permanently attached to the locking device G. Ex.; Ex. 1014 at 1, 12. |
| 5. The locking assembly as set forth in claim 1, wherein the locking end of the captive security rod comprises a knob that extends from the at least one housing after the anchoring end anchors the captive security rod thereto. | The locking end D of the captive security rod C includes a knob that extends from the housing after the anchoring end E is anchored to the housing. Ex. 1013; Ex. 1014 at 11. |
| 6. The locking assembly as set forth in claim 5, wherein said knob is captured and held by the locking mechanism at locking actuation. | The locking end/knob D is captured and held by the locking mechanism at locking actuation. Ex. 1013; Ex. 1014 at 11-13. |
| 7. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises any of the group consisting of a laptop computer, a notebook computer, and tablet computer, a cell phone, a camera, a Smartphone, a music storage and a playback device. | The portable electronic device B is a laptop computer. Ex. 1013; Ex. 1014 at 1. |
| 8. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises a first housing, a second housing and a hinge, wherein said hinge separates and allows said first housing to be closed upon said second housing and wherein said captive security rod is deployed to extend and protrude from any surface of said first to housing or said second housing. | The portable electronic device B is a laptop computer. Ex. 1013; Ex. 1014 at 1. |

| '144 Patent Claims | ClickSafe |
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| 9. The locking assembly as set forth in claim 8, wherein said second housing is a keyboard part and said captive security rod is inserted through and anchored, and operates to extend in a deployed position out of a surface of said second housing. | The portable electronic device B is a laptop computer. Ex. 1013; Ex. 1014 at 1. |
| 10. The locking assembly as set forth in claim 1, wherein the substantially immovable object is a base plate. | <p>The ClickSafe locking assembly can be attached to any substantially immovable object, such as a base plate. Ex. 1013; Ex. 1014 at 1, 6-10.</p> <p>Use of a base plate to secure a cable lock for a computer or other portable electronic device is well known in the art. <i>See, e.g.</i>, Ex. 1006, Makous, U.S. Patent No. 5,050,836, at 3:63-4:10; Figs. 1-2 (describing a “cable security system” for locking a computer or other portable equipment to a base plate 22 with a security cable).</p> |
| 11. The locking assembly as set forth in claim 2, wherein the cable or lanyard has a loop opposite its end permanently attached to the locking device through which the locking device is passed after the cable is wrapped around the substantially immovable object whereinafter the locking device is lockingly attached to the captive security rod and, therefore, the portable electronic device to which the captive security rod is anchored. | The cable J has a loop K opposite its end that is permanently attached to the locking device, through which the locking device is passed after the cable J is wrapped around the substantially immovable object F, wherein after the locking device is lockingly attached to the captive security rod C and the portable electronic device B. Ex. 1013; Ex. 1014 at 1, 6-13. |
| 12. The locking assembly as set forth in claim 1, wherein the locking device is a pin lock. | Although locking device G is a disk lock, not a pin lock, pin locks of an appropriate size were readily available at the time, at a relatively |

| '144 Patent Claims | ClickSafe |
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| | <p>low cost compared to a disk lock, and pin locks were known to be mechanically easy to incorporate in the lock design. For example, this was known because, McDaid discloses a cable lock for portable electronic devices that includes a pin lock used in combination with a captive security rod, and this shows that POSA would have a reason to combine a pin lock with the locking assembly disclosed in the ClickSafe video. In addition, POSA would have a reason to substitute a pin lock for the disk lock of the ClickSafe video because a pin lock would be known to be suitable to substitute for a disk lock in this application, for use in a lower-cost product, relative to the cost of a product including a disk lock. Ex. 1013; Ex. 1014 at 13, 14.</p> |
| <p>14. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising:</p> | <p>The ClickSafe video discloses a locking assembly A for securing a portable electronic device B to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 6, 9.</p> |
| <p>[b] a captive security rod or spike having a locking end and an anchoring end, said anchoring end of said captive security rod or spike configured for installing to the at least one housing by anchoring to the portable electronic device through the at least one housing;</p> | <p>The locking assembly A includes a captive security rod C, with a locking end D and an anchoring end E, wherein the anchoring end E is passed through a housing of the portable electronic device B. Ex. 1013; Ex. 1014 at 2-5.</p> |
| <p>[c] a locking device having a lock opening to a locking mechanism, said locking device configured to lock to said captive security rod or spike upon insertion of the locking end of said</p> | <p>The ClickSafe video discloses a locking device G with a locking mechanism including an opening H to receive the locking end D of the captive security rod C, to activate</p> |

| '144 Patent Claims | ClickSafe |
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| installed security rod or spike into said lock opening to actuate said locking mechanism, therein locking said locking device to said captive security rod or spike; and, | the locking mechanism and lock the captive security rod C and portable electronic device B to the locking device G. Ex. 1013; Ex. 1014 at 11-13. |
| [d] a cable attached to said locking device and configured for fastening to the to substantially immovable object prior to locking said locking device to said installed captive security rod or spike, | The ClickSafe video discloses a cable J, for securing the locking device to a substantially immovable object B. Ex. 1013; Ex. 1014 at 1, 6-10. |
| [e] wherein said locking end of said installed captive security rod or spike comprises a small knob axially located on a distal end of said captive security rod or spike, | The locking end D of the captive security rod C includes a knob that extends from the housing after the anchoring end E is anchored to the housing. Ex. 1013; Ex. 1014 at 11 |
| [f] wherein said installed captive security rod or spike is positioned in a recess in the at least one housing during non-use, and said small knob protrudes from the at least one housing during non-use. | <p>The captive security rod C is partially in the housing and partially out of the housing before and during locking use. Ex. 1013; Ex. 1014 at 4, 5, 11-13.</p> <p>The locking end D of the captive security rod C includes a knob that extends from the housing after the anchoring end E is anchored to the housing. Ex. 1013; Ex. 1014 at 11.</p> |
| 15. The locking assembly as set forth in claim 14, wherein said locking end of said captive security rod or spike comprises a knob that extends from the at least one housing after the anchoring end anchors said captive security rod or spike thereto. | The locking end D of the captive security rod C includes a knob that extends from the housing after the anchoring end E is anchored to the housing. Ex. 1013; Ex. 1014 at 11. |
| 16. The locking assembly as set forth in claim 15, wherein the small knob that is captured and held by the locking mechanism at locking actuation. | The locking end/knob D is captured and held by the locking mechanism at locking actuation. Ex. 1013; Ex. 1014 at 11-13. |

| '144 Patent Claims | ClickSafe |
|---|--|
| 17. The locking assembly as set forth in claim 14, wherein said portable electronic device comprises any of the group consisting of a laptop computer, a notebook computer, and tablet computer, a cell phone, a camera, a Smartphone, a music storage and a playback device. | The portable electronic device B is a laptop computer. Ex. 1013; Ex. 1014 at 1. |
| 18. The locking assembly as set forth in claim 14, wherein said portable electronic device comprises a first housing, a second housing and a hinge, wherein said hinge separates and allows said first housing to be closed upon said second housing and wherein said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing. | The portable electronic device B is a laptop computer. Ex. 1013; Ex. 1014 at 1. |
| 19. The locking assembly as set forth in claim 18, wherein said second housing is a keyboard part and said captive security rod is inserted through and anchored, and operates to extend in a deployed position out of a surface of said second housing. | The portable electronic device B is a laptop computer. Ex. 1013; Ex. 1014 at 1. |
| 20. [a] A method for securing a portable electronic device having a housing to a substantially immovable object utilizing a locking assembly, the locking assembly comprising a security rod or spike formed with an anchoring end separated axially by a protruding end, a locking device with an internal locking mechanism and a cable permanently attached to the locking device at one end, the method comprising acts of: | <p>The ClickSafe video discloses a method for using a locking assembly A for securing a portable electronic device (laptop computer) B with a housing to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 6, 9.</p> <p>The locking assembly A includes a captive security rod C, with an anchoring end E separated axially by a protruding, locking end D. Ex. 1013; Ex. 1014 at 2-5. The captive security rod C is partially in the housing and partially out of the housing, before and during locking</p> |

| '144 Patent Claims | ClickSafe |
|--|---|
| | use. Ex. 1013; Ex. 1014 at 4, 5, 11-13. The locking assembly A includes a locking mechanism G, which is permanently attached to a cable J. Ex. 1013; Ex. 1014 at 1, 12. |
| [b] securely installing the anchoring end of the security rod or spike to the portable electronic device in the housing; | The method includes securing the anchoring end E of the captive security rod C to the laptop computer B through the lower housing of the laptop computer B. Ex. 1013; Ex. 1014 at 3-5. |
| [c] attaching an other end of the cable to the substantially immovable object; and | The method includes attaching an end of the cable J to the substantially immovable object F. Ex. 1013; Ex. 1014 at 6-10. |
| [d] inserting the locking end of the security rod or spike into an opening in the locking device to actuate the internal locking mechanism and lock the locking device to the captive security rod or spike and, therefore, the portable electronic device to which it is anchored, to the substantially immovable object. | The method includes inserting the protruding end D of the captive security rod C into an opening H of the locking device G, to actuate the locking mechanism and lock the locking device G to the captive security rod C, and therefore the laptop computer B to the substantially immovable object F. Ex. 1013; Ex. 1014 at 11-13. |

B. Ground 1: Obviousness over McDaid and Chen

114. Chen was issued on November 3, 1998, which is more than one year before the earliest priority date for claims of the '758 and '144 patents. Ex. 1009. Accordingly, I understand that Chen is considered prior art to the '758 and '144 patents under the patent statute, 35 U.S.C. § 102(b).

115. Chen discloses a cable lock assembly with a lock that is automatically locked (activated) when a locking bar (referred to as locking head 64) is inserted into the locking device (head hole 12 of main body 10):

To fasten and lock the cable 60 to the locking device, the user can manually insert the locking head 64 of the cable 60 into the head hole 12 in the main body 10. By doing this, the locking head 64 is locked to the locking device. The user needs not to use the key of the locking device to turn the inner cylinder 22 and the locking mechanism 40 to the unlocked state in order to receive the locking head 64 as required when using a prior art locking device.

Ex. 1009 at 5:49-57.

116. As shown in Paragraphs 69-82 and 109-111 above, McDaid is prior art and discloses nearly every limitation of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent, except that McDaid discloses a locking assembly in which a key is required to lock (activate) the locking mechanism, and the claims recite a locking mechanism that is locked (activated) by insertion of the locking end of the captive security rod into the locking mechanism, without need to use a key. As shown in Paragraphs 83, 84, and 115 above, Chen discloses this limitation, describing a cable lock assembly with a lock that is automatically locked by inserting a locking bar into the locking mechanism, without need to use a key.

117. As of May 10, 2004, POSA would have a reason to combine the disclosures of McDaid and Chen to arrive at the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent because both McDaid and Chen are directed to cable lock assemblies for use to secure portable articles; automatically-activated lock mechanisms similar to those disclosed in Chen were well known in the art; POSA would have understood that the Chen lock mechanism was suitable for use in the McDaid locking assembly; and as suggested in Chen and known in the art, an automatic lock mechanism as disclosed in Chen has an advantage over key-activated lock mechanisms in that such mechanisms may be locked without the use of a key.

118. For these reasons, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent would have been obvious over McDaid and Chen as of May 10, 2004.

C. Ground 2: Obviousness over McDaid and Cheng

119. As noted in Paragraph 109 above, McDaid is prior art to the '758 and '144 patents.

120. Cheng was issued on September 5, 1998, which is more than one year before the earliest priority date for claims of the '758 and '144 patents. Ex. 1010. Accordingly, I understand that Cheng is considered prior art to the '758 and '144 patents under the patent statute, 35 U.S.C. § 102(b).

121. Cheng discloses an apparatus for locking a laptop computer to a substantially immovable object, that includes a padlock 21 attached to a lock support 10 mounted on a housing of the computer and to a chain 22 attached to a table 40:

Referring to FIGS. 1 and 2, an apparatus of this invention is used for locking a closed notebook computer 30 on a computer support or computer table 40 (see FIG. 3). . . . The apparatus includes a lock support 10, an L-shaped locking plate 20, and a padlock unit consisting of a padlock 21 and a flexible fixing member or metal chain 22. . . . As shown in FIG. 3, the hollow table 40 has a front wall through which a chain hole 41 is formed and through which the chain 22 extends.”

Ex. 1010 at 1:64-2:12; see Figs. 1-3.

122. As shown in Paragraphs 69-82 and 109-111 above, McDaid is prior art and discloses nearly every limitation of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent, except that McDaid discloses a locking assembly in which a key is required to lock (activate) the locking mechanism and the claims recite a locking mechanism that is locked by insertion of the locking end of the captive security rod into the locking mechanism, without need to use a key. As shown in Paragraphs 83, 84, and 121 above, Cheng discloses this limitation, describing an apparatus for locking a laptop computer to a substantially immovable object, which includes a padlock attached to a lock support mounted on a housing of the laptop computer. Although Cheng does not

expressly disclose how the padlock is locked, padlocks were well known in the art, and POSA knew that that padlocks are generally locked by inserting the shackle of the lock into the locking mechanism, without needing to use a key.

123. As of May 10, 2004, POSA would have a reason to combine the disclosures of McDaid and Cheng to arrive at the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent because both McDaid and Cheng are directed to security devices for locking a portable electronic device such as a laptop computer to a substantially immovable object such as a table; both McDaid and Cheng are directed to locking assemblies that include a lock that fastens to an anchor member that is mounted to a housing of the laptop computer; padlock mechanisms similar to those disclosed in Cheng were well known in the art; POSA would have understood that the Cheng padlock mechanism was locked upon insertion of the padlock shackle into the padlock locking mechanism; and POSA knew that an automatic lock mechanism such as the padlock disclosed in Chen has an advantage over key-activated lock mechanisms in that such mechanisms may be locked without the use of a key.

124. For these reasons, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent would have been obvious over McDaid and Chen as of May 10, 2004.

D. Ground 3: Obviousness over McDaid and Lee

125. As noted in Paragraph 109 above, McDaid is prior art to the '758 and '144 patents.

126. Lee was issued on July 11, 2006. As discussed in Paragraphs 44 to 62 above, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent is not described in Ex. 1012, the '356 patent. Accordingly, I understand that these claims are not entitled to a priority benefit date prior to February 18, 2011, and that Lee should be considered prior art to the '758 and '144 patents under the patent statute, 35 U.S.C. § 102(b).

127. My opinions in this declaration concerning this Ground 3 address what would be known and understood by POSA as of February 18, 2011.

128. Lee discloses a self-locking cable lock for use with a laptop computer through an opening in a housing of the computer:

The present invention relates to a cable lock, especially to a self-locking cable lock. . . . Cable locks are attached securely to cables that bind, lock and hold objects securely. Generally speaking, small, high value, pilferable objects such as computers, household appliances and the like on display need to be locked in place. Cable locks are used to keep the objects from being stolen. However, conventional cable locks must be locked and unlocked with keys. ***Using keys to lock conventional cable locks on objects is inconvenient*** because the keys must be controlled and protected. ***To overcome the shortcomings, the present invention provides a self-locking cable lock*** to mitigate or obviate the aforementioned problems.

Ex. 1012 at 1:6-20 (emphasis added); see Fig. 1.

129. As shown in Paragraphs 69-82 and 109-111 above, McDaid is prior art and discloses nearly every limitation of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent, except that McDaid discloses a locking assembly in which a key is required to lock (activate) the locking mechanism and the claims recite a locking mechanism that is locked (activated) by insertion of the locking end of the captive security rod into the locking mechanism, without need to use a key. As shown in Paragraphs 89, 90, and 128 above, Lee discloses this limitation, describing a self-locking cable lock apparatus for locking a laptop computer to a substantially immovable object. Lee expressly teaches that a self-locking cable lock should be used instead of a conventional key-activated lock on a cable lock used with a laptop computer, because the self-locking lock is more convenient in that the key is not needed to lock (activate) the lock.

130. As of February 18, 2011, POSA would have a reason to combine the disclosures of McDaid and Lee to arrive at the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent because both McDaid and Lee are directed to cable-lock security devices for locking a portable electronic device such as a laptop computer to a substantially immovable object such as a table; Lee expressly indicates that there is a reason why POSA would want to substitute a self-locking lock in such an apparatus to avoid the inconvenience of needing a key to lock the lock; and POSA knew that an

automatic lock mechanism such as the self-locking cable lock disclosed in Lee has an advantage over key-activated lock mechanisms in that such mechanisms may be locked without the use of a key.

131. For these reasons, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent would have been obvious over McDaid and Chen as of February 18, 2011.

**E. Ground 4: Anticipation by ClickSafe Video
('758 patent, claims 1-7, 9-13, 16; '144 patent, claims 1-11, 14-20)**

132. As noted above, the ClickSafe video has been publically available since October 12, 2010. See Paragraph 91 above.

133. As discussed in Paragraphs 44 to 62 above, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent is not described in Ex. 1007, the '356 patent. Accordingly, I understand that these claims are not entitled to a priority benefit date prior to February 18, 2011, and that the ClickSafe video should be considered prior art to the '758 and '144 patents under the patent statute, 35 U.S.C. § 102(a).

134. My opinions in this declaration concerning this Ground 4 address what would be known and understood by POSA as of February 18, 2011.

135. As shown in Paragraphs 91-107, 112, and 113, the ClickSafe video discloses all limitations of claims 1-7, 9-13, and 16 of the '758 patent and claims 1-11 and 14-20 of the '144 patent.

136. For these reasons, claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent are anticipated by the ClickSafe video.

F. Ground 5: Obviousness over ClickSafe Video ('758 patent, claim 14; '144 patent, claim 12)

137. As noted above, the ClickSafe video has been publicly available since October 12, 2010. See Paragraph 91 above.

138. As discussed in Paragraphs 44 to 62 above, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent is not described in Ex. 1007, the '356 patent. Accordingly, I understand that these claims are not entitled to a priority benefit date prior to February 18, 2011, and that the ClickSafe video should be considered prior art to the '758 and '144 patents under the patent statute, 35 U.S.C. § 102(a).

139. My opinions in this declaration concerning this Ground 5 address what would be known and understood by POSA as of February 18, 2011.

140. As shown in Paragraphs 91-107, 112, and 113, the ClickSafe video discloses all limitations of claims 1-7, 9-14, and 16 of the '758 patent and claims 1-12 and 14-20 of the '144 patent.

141. The ClickSafe video discloses a disk lock, but does not disclose a pin lock as recited in claim 14 of the '758 patent and claim 12 of the '144 patent.

142. Pin locks were well known in the art as of February 18, 2011. *See* Ex. 1005, Bill Phillips, PROFESSIONAL LOCKSMITHING TECHNIQUES, Chapter 5 (TAB

Books 1991). At that time (and today), a pin lock (sometimes referred to as a “pin tumbler” lock) was one of the most popular type of locks in use, for applications such as door locks, deadbolt locks, padlocks, and automobile locks. Ex. 1005 at 3.

143. Pin locks were also known for use in connection with a cable lock for portable electronic devices, in particular as disclosed in McDaid for use in a cable lock for laptop computers, used in combination with a captive security rod installed in a housing of the laptop computer. *See* Ex. 1008, McDaid and Paragraphs 69-82 above.

144. As of February 18, 2011, POSA would have a reason to combine disclosures of the ClickSafe video and McDaid, substituting the pin lock of McDaid for the ClickSafe disk lock, to arrive at the subject matter of claim 14 of the '758 patent and claim 12 of the '144 patent because pin locks of an appropriate size were readily available at the time, at a relatively low cost compared to a disk lock, and pin locks were known to be mechanically easy to incorporate in the lock design. McDaid discloses a cable lock for portable electronic devices that includes a pin lock used in combination with a captive security rod, and this shows that POSA would have a reason to combine a pin lock with the locking assembly disclosed in the ClickSafe video. In addition, POSA would have a reason to substitute a pin lock for the disk lock of the ClickSafe video because a pin lock would be known to be suitable to substitute for a disk lock in this application, for

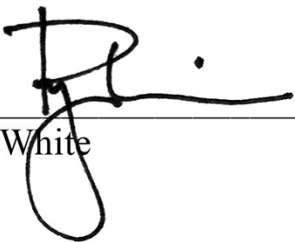
use in a lower-cost product, relative to the cost of a product including a disk lock. (In fact, from my experience at Kensington, I know that Kensington actually did later substitute a pin lock mechanism for the disk lock mechanism shown in Ex. 1013, to provide a lower-cost alternative product.)

145. For these reasons, claim 14 of the '758 patent and claim 12 of the '144 patent would have been obvious over the ClickSafe video and McDaid as of February 18, 2011.

VII. CONCLUSION

146. All statements made herein of my own knowledge are true; all statements made on information and belief are believed to be true; and these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both under 18 U.S.C. § 1001.

Date: April 30, 2015



Ryan White

APPENDIX A

Materials Reviewed

| Exh. No. | Description |
|----------|--|
| 1001 | Allen, U.S. Patent No. 8,717,758 |
| 1002 | File history, U.S. Patent No. 8,717,758 |
| 1003 | Allen, U.S. Patent No. 8,837,144 |
| 1004 | File history, U.S. Patent No. 8,837,144 |
| 1005 | Bill Phillips, PROFESSIONAL LOCKSMITHING TECHNIQUES, Chapter 5 (TAB Books 1991) |
| 1006 | Makous, U.S. Patent No. 5,050,836 |
| 1007 | Allen, U.S. Patent No. 8,139,356 |
| 1008 | McDaid, U.S. Patent No. 6,360,405 |
| 1009 | Chen, U.S. Patent No. 5,829,280 |
| 1010 | Cheng, U.S. Patent No. 5,447,045 |
| 1011 | Mick Friend, ENCYCLOPEDIA FOR LOCKSMITHS (Authors OnLine Ltd. 2004) |
| 1012 | Lee, U.S. Patent No. 7,073,358 |
| 1013 | ClickSafe video |
| 1014 | ClickSafe video images |
| 1015 | Declaration of Robert Humphrey |
| 1016 | Screenshot of <i>www.clickittokeepit.com</i> web page dated October 16, 2010 |
| 1017 | Screenshot of <i>www.clickittokeepit.com</i> web page dated September 3, 2011 |
| 1018 | Screenshot of https://www.youtube.com/watch?v=CgdVMaOeNrow web page |