

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELECTRONIC ARTS INC.
Petitioner,

v.

WHITE KNUCKLE GAMING, LLC
Patent Owner.

U.S. Patent No. 8,540,575 to Athanasios Angelopoulos
Issue Date: September 24, 2013
Title: Method And System For Increased Realism In Video Games

Inter Partes Review No.: Unassigned

DECLARATION OF DAVID WITTS

I, David Witts, hereby declare:

1. My name is David Witts. I am currently the Owner and Managing Director of DW Productions, a production company established in September 1999.

2. As Owner and Managing Director of DW Productions, since the company's inception, I have worked closely with other community fan sites to deliver the best possible online and offline gaming experiences for players relative to the FIFA videogame franchise. Because of this relationship, I am aware of and knowledgeable about Electronic Arts Inc.'s ("EA" or "Petitioner"), products and offerings, and specifically the FIFA franchise of videogames.

3. I am over the age of eighteen (18) and otherwise competent to make this declaration. The statements made in this declaration are to the best of my knowledge and recollection. I have personal knowledge of the facts set forth in this Declaration, and, for facts stated on information and belief, I have been provided with information by a person having personal knowledge of such facts. If called as a witness, I could and would testify competently under oath to the facts stated in this declaration. By making this declaration, it is not my intent, nor the intent of EA, to waive the attorney-client privilege, attorney-work product doctrine, or any other applicable privilege.

4. In September 1999, I launched the website <http://www.fifa-mra.com> (hereinafter “FIFA-MRA website”). I operated the FIFA-MRA website as its webmaster and am familiar with the various versions of the FIFA-MRA website, the content thereof and the practices and procedures by which new content is added to the FIFA-MRA website.

5. The FIFA-MRA website was publicly available and accessible to the public without restriction. The FIFA-MRA website acted as a de facto repository for software patches created by myself and other gamers that were applied to various FIFA games to change certain game attributes. The acronym “MRA” stands for Multi-Roster Assistant, a software utility tool I designed in order to enable game players to load software patches into their FIFA game while at the same time only needing one version of a given game loaded.

6. At the time of its operation, the FIFA-MRA website supported the EA games *FIFA: Road to World Cup 98*; *World Cup 98*; *FIFA 99*; *FIFA 2000*; *UEFA Euro 2000*; and *FIFA 2001*.

7. At the time of its operation, the MRA tool supported the EA games *FIFA: Road to World Cup 98*; *World Cup 98*; *FIFA 99*; *FIFA 2000*; *UEFA Euro 2000*; and *FIFA 2001*.

8. In 2007, I rebranded the FIFA-MRA website as the “Sweetpatch TV website” at the domain <http://www.sweetpatch.tv>. I continue to operate the

Sweetpatch TV website as its webmaster and this website continues to be publicly available and accessible to the public without restriction.

9. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1031 to the David Crane Declaration, and am familiar with the content of the information contained therein in my role as webmaster for the FIFA-MRA website. Accordingly, I can confirm that the Exhibit depicts the Support page of the FIFA-MRA website as it existed on February 4, 2001.

10. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1032 to the David Crane Declaration, and am familiar with the content of the information contained therein in my role as webmaster for the FIFA-MRA website. Moreover, Exhibit EA-1032 includes various postings made to the FIFA-MRA website between March 29, 2001 through March 31, 2001. As webmaster for the FIFA-MRA website, I know that any posting to the FIFA-MRA website was made on the date reflected in the post because of the content management system we employed which uploads the information instantaneously. With the exception of one, all of the postings were made by me personally, and on the date shown, as indicated by the text "Posted by Dave." As such, I can confirm that this Exhibit depicts the homepage of the FIFA-MRA website as it existed on March 31, 2001.

11. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1033 to the David Crane Declaration, and am familiar with the content of the information contained therein in my role as webmaster for the FIFA-MRA website. Accordingly, I can confirm that it depicts the Support – About page of the FIFA-MRA website as it existed on April 10, 2001.

12. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1013 to the David Crane Declaration, and am familiar with the content of the information contained therein in my role as webmaster for the FIFA-MRA website. Accordingly, I can confirm that it depicts the Support – Features page of the FIFA-MRA website as it existed on April 22, 2001.

13. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1014 to the David Crane Declaration, and am familiar with the content of the information contained therein in my role as webmaster for the FIFA-MRA website. Accordingly, I can confirm that it depicts the Support – Patches page of the FIFA-MRA website as it existed on April 23, 2001.

14. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1012 to the David Crane

Declaration, and am familiar with the content of the information contained therein in my role as webmaster for the FIFA-MRA website. Accordingly, I can confirm that this Exhibit depicts the following pages of the FIFA-MRA website as they existed on March 3, 2001: (1) Support – Installation; (2) Support – Loading Files (Games, Patches and Favorites); (3) Support – Launching the MRA; and (4) Support - Skins.

15. In addition to my roles as Owner and Managing Director of DW Productions, and as webmaster for the FIFA-MRA website, I was an active contributor to the website www.fifa2001.com (“FIFA 2001 website”). The FIFA 2001 website was publicly available and accessible to the public without restriction. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1009 to the David Crane Declaration, and am informed and believe that it is a true and correct copy of a printout of the FIFA 2001 website as it existed on July 26, 2001. Exhibit EA-1009 to the David Crane Declaration includes various postings made to the FIFA 2001 website between June 1, 2001 through June 30, 2001. Many of these postings were made by me personally, and on the date shown, as indicated by the text “Posted by Dave.”

16. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1008 to the David Crane Declaration, and am informed and believe it is a true and correct copy of printouts

of the FIFA 2001 website as it existed on April 25, 2001. Exhibit EA-1008 to the David Crane Declaration includes various postings made to the FIFA 2001 website between December 1, 2000 through December 31, 2000 and February 2, 2001 through February 28, 2001. Again, the text "Posted by Dave" indicates a post that I made personally on the date identified.

17. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1007 to the David Crane Declaration, and am informed and believe that it is a true and correct copy of printouts of the FIFA 2001 website as it existed on June 17, 2001. Exhibit EA-1007 to the David Crane Declaration includes various postings made to the FIFA 2001 website between September 1, 2000 through November 30, 2000; January 1, 2001 through January 31, 2001; and March 1, 2001 through May 31, 2001. The text "Posted by Dave" indicates a post which I made personally on the date identified.

18. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1034 to the David Crane Declaration, and am informed and believe it is a true and correct copy of a printout of the News Archive Home page of the FIFA 2001 website as it existed on June 3, 2001.

19. I have reviewed the document attached in Exhibit A to the Christopher Butler Declaration, and as Exhibit EA-1035 to the David Crane Declaration, and am informed and believe it is a true and correct copy of a printout of the News Archive Home page of the FIFA 2001 website as it existed on October 21, 2001.

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

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 13th, 2015

A handwritten signature in black ink, appearing to read "David Witts", written over a horizontal line.

David Witts