

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANFIELD SCIENTIFIC, INC.
Petitioner

v.

MELANOSCAN LLC
Patent Owner

Case IPR: 2017-02125
Patent 7,359,748

SECOND DECLARATION OF DR. JAN-PETER MULLER

Canfield Scientific, Inc. - Exhibit 1031R Canfield Scientific, Inc. v. Melanoscan, LLC IPR2017-02125
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I, Jan-Peter Muller, Ph.D., declare as follows:

I. ENGAGEMENT AND COMPENSATION

1. I am making this declaration at the request of Canfield Scientific, Inc. 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 this matter. I have no financial interest in the Petitioner.

2. My background and qualifications are set forth in the Declaration submitted in this proceeding as Exhibit 1016.

3. I understand that Melanoscan has submitted objections to statements that I made in Exhibit 1016 regarding the publication date of Exhibit 1004. I identified Exhibit 1004, Jeffrey D. Hurley, Michelle H. Demers, Richard C. Wulpern, John R. Grindon, "Body Measurement System Using White Light Projected Patterns for Made-to-Measure Apparel," SPIE Vol. 3131, July 7, 1997, 212-223 (Hurley), as published on July 7, 1997. In making that statement, I relied upon the SPIE website where I downloaded a copy of Exhibit 1004 on August 1, 2017. A true and correct print from the SPIE website stating the date of publication as July 7, 1997 for Exhibit 1004 is attached as Exhibit 1032.

4. I now understand, based upon the declaration of Eric Pepper, that the official SPIE publication date for Exhibit 1004 is July 27, 1997. Learning of this

corrected publication date does not change any of the opinions that I set forth in my Declaration, Exhibit 1016.

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II. CONCLUSIONS

12. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be

subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

13. I reserve the right to supplement my opinions in the future to respond to any arguments raised by the owner of the '748 patent and to take into account new information as it becomes available to me.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 27, 2018

A handwritten signature in cursive script, reading "Jan-Peter Muller".

Dr. Jan-Peter Muller

APPENDIX A

Materials Reviewed

Exhibit No.	Description
1032	Print out of https://spie.org/Publications/Proceedings/Paper/10.1117/12.277751 captured on April 27, 2018
1033	M.H. Demers, J.D. Hurley, R.C. Wulpern, J.R. Grindon, “Three-dimensional surface capture for body measurements using projected sinusoidal patterns,” IS&T/SPIE’s 9 th Annual symposium on electronic imaging: science and technology, San Jose CA, USA, 1997.
1034	U.S. Patent No. 6,373,963