

Declaration of Stephen Gray in Support of  
Petition for *Inter Partes* Review of  
U.S. Patent No. 7,343,165 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Facebook, Inc.,  
Petitioner

v.

Silver State Intellectual Technologies, Inc.,  
Patent Owner

U.S. Patent No. 7,343,165 B2  
Issue Date: March 11, 2008

Title: GPS PUBLICATION APPLICATION SERVER

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**DECLARATION OF STEPHEN GRAY**

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I, Stephen Gray, declare as follows:

## **I. INTRODUCTION AND QUALIFICATIONS**

### **A. Qualifications and Experience**

1. Since the mid-1970s, I have designed, developed, and deployed computing systems and products that operate in server, client, and graphical environments. As such, I have acquired expertise and am an expert in the areas of distributed computing architecture and design, graphical user interfaces, website platforms, eCommerce systems, image processing systems, operating systems, local area and wide area networks, and various programming languages used in the development of those systems and products. I have been employed by or retained as a consultant, including acting as a litigation consultant, for numerous companies such as Burroughs, Filenet, Fujitsu, Marriott Corporation, MCI, Northern Telecom, Olivetti, TRW, and Xerox, as well as other companies.

2. I have several relevant professional experiences that demonstrate my expertise in the field of graphical user interfaces, website platforms, and eCommerce systems. In 2001 to 2002, as Chief Technology Officer for Networld Exchange Inc., I was responsible for the design, development and deployment of a suite of products that delivered eCommerce functions. These functions were provided over the Internet and included product catalog information display, purchase and/or purchase order creation, order delivery to fulfillment systems, and order status reporting. The

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products that I had responsibility for provided an electronic shopping graphical user interface for business-to-business and business-to-consumer transactions. The systems were designed to support both vendors of products as well as customers. Each of these user interfaces were an optimization based on the specific user class.

3. I have also been retained by attorneys for plaintiffs and defendants in several matters where the concepts and practice of distributed data management technology was a central issue. The matters include contract disputes: GTE v. Videotron; HealthFirst v. HealthTrio; Waltrip Associates v. Kevin Kimberlin & Spencer Trask Ventures, as well as patent infringement: WebSide Story v. NetRatings; ICR v. Harpo; Fotomedia v. Yahoo!; Cisco v. Telcordia; DataTreasury v. US Bank; Bedrock v. Yahoo!; Ariba v. Rearden; Augme v. Yahoo!; and CNET v. Etilize.

4. My practical experience regarding mobile device computing software includes development at NTN Communication of a multiplayer game system operating over mobile phones where issues of data synchronization, event handling and centralized control of distributed devices was required. I have been retained in several matters relating to mobile computing software. For example, I have been retained in matters involving touch screen user interface operations on mobile phones, Internet protocol implementation on mobile phones and data

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synchronization between centralized servers and distributed computing devices. The matters include the following patent and copyright matters: Apple v. Samsung; Datascape v. Kyocera; M Seven v. Leap Wireless (Cricket); HTI v. ProCon; Summit 6 v. RIM; and Deep 9 v. Barnes and Noble.

5. I have several relevant professional experiences that demonstrate my expertise with systems developed to operate in World Wide Web computing environments deployed over the Internet. For example, in the 2001-2002 time period, I was the Chief Technology Officer of Networld Exchange Inc. I was responsible for the design, development and deployment of a suite of products that delivered eCommerce functions. These functions were provided over the Internet and included product catalog information display, purchase and/or purchase order creation, order delivery to fulfillment systems, order status reporting and interoperability with third party inventory and pricing systems. The products that I had responsibility for utilized protocols and technologies common for Web-based systems. For example, the products used Web/Internet communications protocols including Hypertext Transfer Protocol (HTTP) and Transmission Control Protocol/Internet Protocol (TCP/IP). Also, the products used structured document markup languages such as Hypertext Markup Language (HTML) and Extensible Markup Language (XML). These systems used scripting Languages such as Java

Script. Finally, these systems all used database management systems based on Structured Query Language (SQL).

6. As my curriculum vitae shows, much of my career has been spent as a software development professional. As a software development professional, I have had numerous occasions to write, modify, analyze, and otherwise review bodies of source code. I have analyzed source code written in several variants of C, SQL, COBOL, PHP, RPG, variants of Basic, Java, Perl, several Assembler languages, and others. For example, as an individual contributor at Xerox during the mid-1980s to 1990, I evaluated the quality of source code from third party software providers for possible inclusion in the Xerox product line. Also, as another example, I evaluated the source code of several application software packages for completeness and maintainability for possible inclusion into the NTN product line in 2000-2001. During my early career, I spent time maintaining source code written by others. In each of these assignments, I analyzed the source code to identify the data structures, logical flow, algorithms and other aspects.

7. I have several relevant professional experiences that demonstrate my expertise with the use of image metadata. For example, while a consultant for Xerox, I worked on the architecture and design of a family of distributed reprographic system products. One of the requirements for this product family was the handling

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of a range of image data file formats including facsimile, Joint Photographic Experts Group (JPEG), Tagged Image File Format (TIFF) and others. Of particular interest was image file handling for document storage, retrieval and rendering.

8. I have also been retained by attorneys for plaintiffs and defendants in several matters where the handling of image files was a central issue. For example, I was retained by attorneys for the plaintiff in the patent infringement matter *Ampex v. Kodak*. The patents at issue had to do with image handling in digital cameras. Among the issues that arose in that matter was the use of the Exchangeable Image File Format (Exif) that drove the on-camera image thumbnail processing.

9. I have attached a more detailed list of my qualifications as **Exhibit A**.

10. I am being compensated for my time working on this matter at my standard hourly rate plus expenses. I do not have any personal or financial stake or interest in the outcome of the present proceeding, and the compensation is not dependent on the outcome of this IPR and in no way affects the substance of my statements in this declaration.

**B. Materials Considered**

11. The analysis that I provide below is based on my education and experience in the field of computer systems, as well as the documents I have considered, including U.S. Patent No. 7,343,165 (“’165 patent”) [**Ex. 1001**], the



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references that the '165 patent purports to incorporate by reference, and the file history of the '165 patent. The '165 patent states on its face that it issued from an application filed on April 11, 2001 and claims priority to a provisional application filed on April 11, 2000, so for purposes of this Declaration, I have assumed a priority date of April 11, 2000 for the claims of the '165 patent. My Declaration cites to the following documents listed in the table below.

<b>Exhibit No.</b>	<b>Description of Document</b>
<b>1001</b>	U.S. Patent No. 7,343,165 (“’165”)
<b>1003</b>	U.S. Patent No. 7,173,651 to Knowles (“Knowles”)
<b>1004</b>	U.S. Patent No. 6,504,571 to Narayanaswami et al. (“Narayanaswami”)
<b>1005</b>	U.S. Patent N. 5,930,801 to Falkenhainer et al. (“Falkenhainer”)
<b>1006</b>	U.S. Patent No. 6,023,241 to Clapper (“Clapper”)
<b>1007</b>	Plaintiff Silver State Intellectual Technologies, Inc.’s Opening Brief on Claim Construction, No. 4:17-cv-03349-JSW (Mar. 1, 2018)

## **II. PERSON OF ORDINARY SKILL IN THE ART**

12. I am informed by counsel that an assessment of the validity of the claims of the '165 patent is to be undertaken from the perspective of a person of ordinary skill in the art as of the earliest claimed priority date, which as noted above, I have assumed to be April 11, 2000.

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13. In my opinion, a person of ordinary skill in the art as of April 11, 2000 would possess a Bachelor of Science Degree in Electrical/Computer Engineering or Computer Science (or related subjects), plus two years of related technical experience with distributed computer systems. Such a person could alternatively possess both Bachelor and Master's Degrees in Electrical/Computer Engineering or Computer Science (or related subjects) and have somewhat less experience in the technical areas mentioned above. Additionally, relevant professional or practical experience in these areas may substitute for formal education.

14. I note that my opinions in this Declaration would not change if a slightly different formulation for a person of ordinary skill in the art was used. For example, if a person had less than two years of practical experience but had more formal education in computer science, such as a Master's Degree, such a person could still qualify as a person of ordinary skill in the art. Alternatively, if a person lacked formal education in Electrical/Computer Engineering or Computer Science but had at least four years of experience actively working in the areas mentioned above, such a person could likewise qualify as a person of ordinary skill in the art for purposes of the '165 patent.

15. My opinions regarding the level of ordinary skill in the art are based on, among other things, my over two decades of experience in the field of computer

science and engineering, my understanding of the basic qualifications that would be relevant to an individual tasked with investigating methods and systems in the relevant area, and my familiarity with the backgrounds of colleagues, both past and present. Although my qualifications and experience exceed those of the hypothetical person of ordinary skill in the art that I defined above, I have formulated all of my opinions regarding the '165 patent from the perspective of a person of ordinary skill in the art as of April 2000.

### **III. THE '165 PATENT**

#### **A. The Specification**

16. The '165 patent, entitled "GPS Publication Application Server," states that it "relates generally to user mobile information systems, and more specifically to location identifiable user mobile communications systems." ('165, 1:13-15.)

17. The '165 patent acknowledges that "[t]he use of mobile communications units, such as cellular telephones, is becoming increasingly common." ('165, 1:16-17.) The '165 patent also acknowledges that "[t]echniques for communicating GPS related information to wireless devices, particularly information allowing a wireless communication device to quickly obtain its location are known." ('165, 2:8-11.) The '165 patent further treats server systems accessible over the internet as firmly in the prior art. ('165, 1:56-59 ("[S]erver computers

reachable through the internet are commonly provide [sic] nearly boundless information, with much of the information having geographical relevance”).)

18. Using these known technologies and techniques, the specification of the '165 patent describes a system involving a “personal communication device (PCD) 11 [that] provides GPS receiver and wireless communication capability” that is connected to a server that stores “personalized information regarding points of interest and other matters provided by users of PCDs.” ('165, 3:3-10, 3:20-21, 3:31-33, 3:37-40.) The server also receives GPS location information from the PCD. ('165, 3:16-19, 3:43-47, 3:62-4:1) The information at the server is accessible to the PCD user and other individuals. ('165, 4:12-17, 5:53-61.)

**B. The Claims of the '165 Patent**

19. This Declaration addresses claim 1 of the '165 patent. Claim 1 recites:

1. A method of providing contact information regarding a user, the method comprising:
  - [a] allocating a user-specific space in memory accessible over a computer network to a specific user;
  - [b] associating a mobile communication device with the user;
  - [c] determining a geographic location of the user by receiving location information provided by a mobile communication device;

- [d] storing data indicative of the location of the user in the user-specific space;
- [e] receiving, from the user, additional data regarding the user, the additional data being related to the geographic location of the user;
- [f] storing the additional data regarding the user in the user-specific space;
- [g] receiving from the user an access list of possible requesters of the data and the additional data;
- [h] storing the access list of possible requesters of the data and the additional data in the user-specific space; and
- [i] providing the data indicative of the location of the user and the additional data regarding the user to possible requesters on the access list.

(’165, Claim 1.) I have added the bracketed notations above (e.g. “[a],” “[b],” etc.) to facilitate easier identification of the limitations in my analysis below.

### **C. Claim Construction**

20. I am informed by counsel that in an *inter partes* review proceeding, the standard for claim construction is different from the one used in litigation. I am further informed that in determining the meaning of a claim term in an *inter partes*

review, the Board will adopt its “broadest reasonable construction” in light of the patent specification. I have applied this standard in my analysis below.

21. In my opinion, no terms of the claim addressed in this Declaration require express construction to understand the claim and the application of the prior art to it. I note that in the related district court litigation, Patent Owner has also taken the position express claim construction is not necessary. (Ex. 1007.)

#### **IV. APPLICATION OF THE PRIOR ART TO THE CLAIMS**

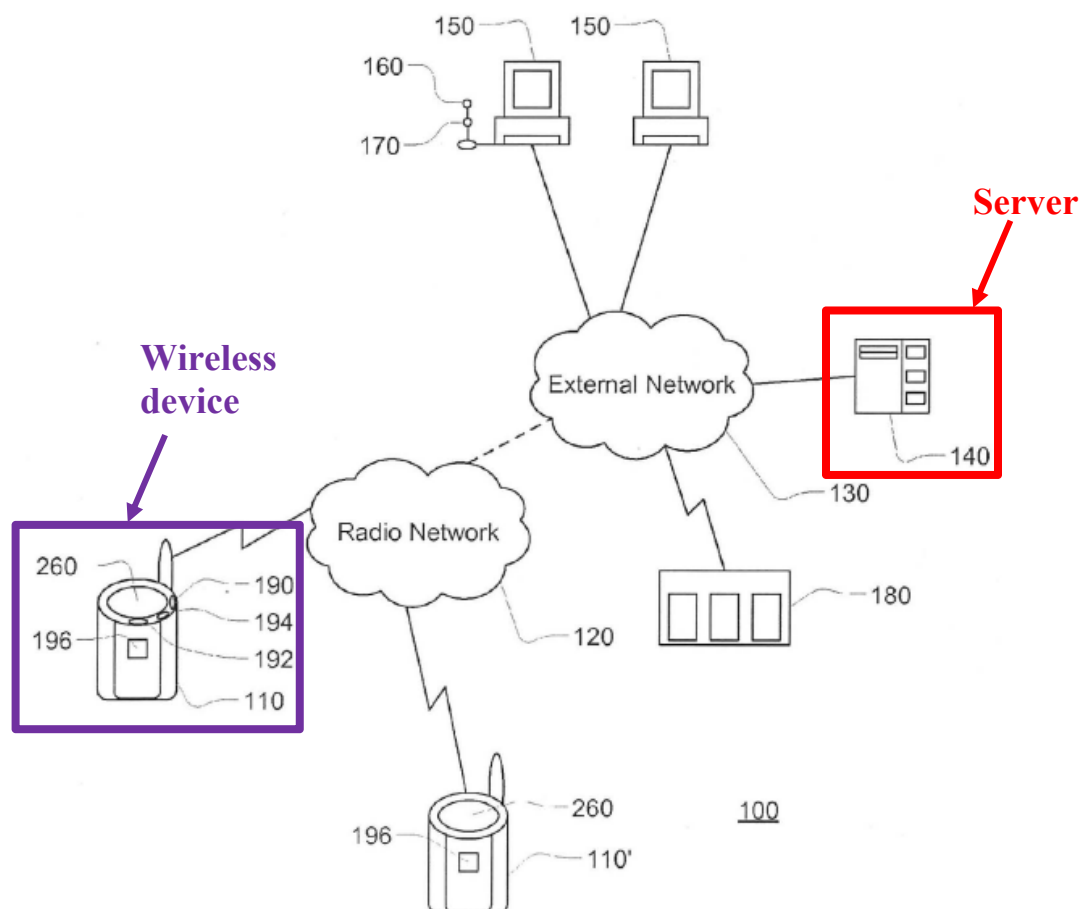
22. I have reviewed and analyzed the prior art references and materials listed in **Part I.B** above. In my opinion, the limitations of claim 1 are disclosed by and obvious over Knowles [Ex. 1003] in view of Narayanaswami [Ex. 1004] and Falkenhainer [Ex. 1005], alone or in further view of Clapper [Ex. 1006] under 35 U.S.C. § 103(a). I will provide a brief summary of each of these references before applying them to the claim.

#### **V. BRIEF SUMMARY OF PRIOR ART**

##### **1. Knowles [Ex. 1003]**

23. Knowles, U.S. Patent No. 7,173,651, entitled “Apparatus and System for Prompt Digital Photo Delivery and Archival,” describes a digital photo delivery system for uploading digital photos from a wireless device to a server for storage and sharing with specified individuals and groups. I rely on Knowles as the primary reference in my invalidity analysis.

24. Figure 1 of Knowles, reproduced and annotated below, provides a high level diagram of the system:



(Ex. 1003, Fig. 1 (annotated).)

25. Knowles explains that the system includes a wireless camera apparatus **110** (highlighted in the purple box above), which can be a stand-alone wireless camera, “an enhanced digital phone that includes a digital camera,” or other device with a camera. (Ex. 1003, 5:29-30, 6:61-7:13 (describing the wireless device **110** as

a “handheld PC”, a “notebook computer”, etc.).) The device **110** transmits and receives messages via a radio network **120**. (Ex. 1003, 6:34-37.) The radio network **120** is connected to an external network **130**, such as the Internet, that is connected to a wireless camera service server **140** (highlighted in the red box above). (Ex. 1003, 6:46-47.) Knowles explains that a digital photo and related information are transmitted as a message from wireless device **110** to server **140** for storage and sharing with others. (Ex. 1003, 4:60-67, 13:36-44, 13:57-62.)

26. To use the system, a user account is established at server **140** that corresponds to a wireless device **110**. (Ex. 1003, 3:63-65, 4:2-14.) A user can access the account via “commonly available world wide web browsers” by providing an account ID and password in order to update account parameters and access messages stored on the server. (Ex. 1003, 3:65-4:2, 6:29-34.) An account has an associated account configuration record that includes an account ID **321**, a password **322**, an account name **323**, a contact name **324**, a billing address **325**, a camera id **326** which corresponds to the wireless device’s RF modem **240** network equipment identifier or IP address, a wireless device dial ID number **327**, and data fields **328** and **329** corresponding to the dates for which account service has been established. (Ex. 1003, 8:43-56, Fig. 7.)



27. A user also has an associated address book stored at the server for specifying information about individuals and groups who can be selected as recipients of the user's messages. (Ex. 1003, 8:63-10:5, Figs. 8-11.) Figure 8, for example, depicts an interface for a user to view and edit information about individuals in the user's address book:

Address Book for XXXXXX@YYYY.COM 341

View: People Groups 354

View by Group: ALL 352

Add New Entry

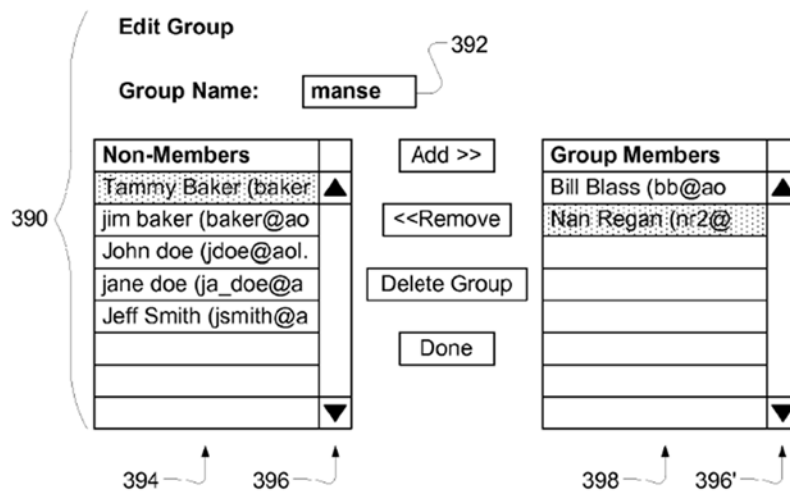
Full Name	Nickname	Address	Edit	Del
Tammy Baker	TB	baker1@aol.com	←	Ø
Jim Baker	jbob	baker@aol.com	←	Ø
Bill Blass	BB	bb@aol.com	←	Ø
John Doe	Jdoe	jdoe@aol.com	←	Ø
Jane Doe	Jdoe2	Ja_doe@aol.com	←	Ø
Nan Regan	regan	nr2@aol.com	←	Ø
Jeff Smith	jeff	jsmith@aol.com	←	Ø

340

342 344 346 348 350

(Ex. 1003, Fig. 8.) Figure 11 depicts an interface for a user to define a list of individuals to be included in a group named “manse”:

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(Ex. 1003, Fig. 11.)

28. Knowles explains that the wireless device **110** can be used to capture a digital photo and related information, such as the device’s geographic location and an accompanying audio message. (Ex. 1003, 5:15-17, 5:29-33.) The user can then specify recipients (such as the “manse” group members) of the digital photo and related information. (Ex. 1003, 7:32-35, 8:1-12.) The device **110** can then transmit a message to the server **140** that includes the digital photo, related information, and recipient information. Figure 19 illustrates an embodiment of the message, where header **534** “includes such data as account ID, Classification, date, time, and location coordinates if available”:



(Ex. 1003, Fig. 19; *see also* Ex. 1003, 11:51-53, 6:11-13.)

29. Upon receiving the message, the server **140** “parses out information such as account number, image, audio data, date, time, classification, location, and recipient code which is included in the message, saves this in a server memory for future access and in a holding area designated for this account.” (Ex. 1003, 13:38-44.) Then, if the message is to a group, “then a list of recipient addresses is retrieved . . . [and] the message is formatted as a standard e-mail message and transmitted to each recipient. Some embodiments may only send out a thumbnail version of images and/or a hyperlink to the server path or URL where the message has been saved.” (Ex. 1003, 13:57-62.)

30. Knowles identifies several potential real-world uses for the system, including realtors and finance companies, photo-advertisements, journalists, insurance adjusters, police, and vacationers for sharing trip events with a list of friends/relatives. (Ex. 1003, 4:26-50.)

## **2. Narayanaswami [Ex. 1004]**

31. **Narayanaswami**, U.S. Patent No. 6,504,571, entitled “System and Methods for Querying Digital Image Archives Using Recorded Parameters,” describes a server-based system that provides a searchable archive of digital images. (Ex. 1004, 1:17-35, 3:56-4:6.)

32. Knowles states that “there is a need for a networked image storage and archival service . . . [with] the ability to categorize and sort each image by time, date, and occasion.” (Ex. 1003, 1:57-67.) Narayanaswami similarly recognizes that “[t]here is a need, therefore, in the industry to provide a digital image database query system which can search for digital images based on parameters such as geographic location, time and date.” (Ex.1004, 1:58-61.) Narayanaswami further recognizes that “a database query system having an image search program which uses such parameters, as well as additional parameters (e.g., camera parameters such as shutter speed, flash status, auto focus distance, light meter readings, focal length, and aperture), would be even more useful for searching and retrieving images in a digital image archive having the recorded parameters,” and identifies various situations where such a system would be of “significant value.” (Ex. 1004, 1:61-2:6.)

33. Narayanaswami explains that digital images and associated parameters (such as geographic location information, autofocus distance, and voice annotation) captured by a digital camera can be uploaded to a server database. (Ex. 1004, 7:17-8:5.) A user can subsequently search for and retrieve an image from the database using the parameters. (Ex. 1004, 3:66-4:13.)

34. Narayanaswami further discloses that the server can determine the location associated with an image’s geographic location information. In particular,

Narayanaswami describes a “region of interest” (ROI) query module **208** in which a user may search for images taken in a particular location, such as “Yellowstone National Park.” (Ex. 1004, 11:22-31; *see also* Ex. 1004, 9:14-22.) The ROI module compares the location data associated with the particular location and the location data for the images stored in the database and retrieves matching images to display to the user. (Ex. 1004, 11:31-44.) Narayanaswami explains that “[i]t is to be appreciated that this type of query can be used for retrieving pictures that were taken, e.g., in particular cities or tourist spots.” (Ex. 1004, 11:40-44.)

35. Additional details of Narayanaswami are discussed in my analysis below.

### **3. Falkenhainer [Ex. 1005]**

36. **Falkenhainer**, U.S. Patent No. 5,930,801, entitled “Shared-Data Environment in which Each File has Independent Security Properties,” generally discloses a web-based system for users to store data, such as files, on a server and control access to that data by specifying lists of users who can access the data on a file-by-file basis. (Ex. 1005, 1:20-32, 2:12-28, 3:5-17, 9:23-32, 9:67-10:8, 13:56-57.) In my analysis, I point to Falkenhainer for claim limitations regarding an “access list.”

37. As noted above, Knowles discloses that a user of a wireless device may store messages on a server and those messages may be shared with specified recipients by sending an email with a hyperlinked URL pointing to the message on the server. While Knowles states that “there is a need for a networked image storage and archival service which provides secure, reliable, and universally accessible image storage services” that “would allow shared access to and transfer of images by family and business groups” (Ex. 1003, 1:57-67), Knowles does not describe in great detail how access to a message shared with specified recipients via a hyperlinked URL is controlled and secured.

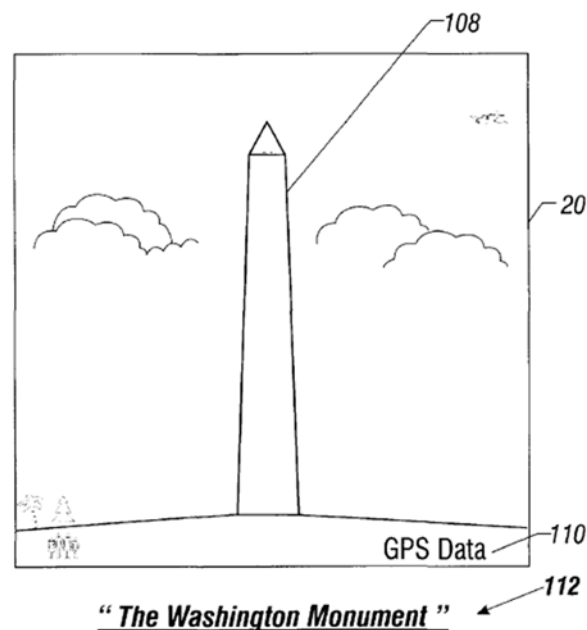
38. However, Falkenhainer, which discloses an analogous server-based system for multiple users to share files and other data, provides a detailed description of a web server that executes a command utility **18** in order to control access to a requested file in accordance with a list of users specified by the file owner who have permission to access the file. (Ex. 1005, Fig. 2, 7:6-16, 7:42-47, 9:23-32, 9:66-10:8, 11:40-51.) Falkenhainer explains that the subroutines of command utility **18** can be implemented using the Common Gateway Interface (“CGI”) (Ex. 1005, 11:40-51), a technique commonly used at the time to enable a web server to execute a separate program. Falkenhainer further discloses that the system assigns URLs to files in a

way that advantageously avoids the problems of broken or “stale” links that could arise as a result of web site or file reorganization. (Ex. 1005, 12:30-13:44.)

39. Additional details of Falkenhainer are discussed in my analysis below.

#### 4. Clapper [Ex. 1006]

40. **Clapper**, U.S. Patent No. 6,023,241, entitled “Digital Multimedia Navigation Player/Recorder,” describes a wireless handheld device similar to wireless device **110** of Knowles that includes a camera, GPS receiver, and microphone. (Ex. 1006, 2:2-51.) Clapper explains that the device is useful to tourists who want to document their travels to landmarks and other points of interest. (Ex. 1006, 1:8-22.) Clapper further provides the specific example of a user taking a photo of the Washington Monument in Washington, D.C., and recording a voice annotation regarding that point of interest, as shown in Figure 7 below:



(Ex. 1006, Fig. 7; *see also* Ex. 1006, 5:40-46 (Figure 7 “includes a digital image **108** on a frame that may be displayed on the display **20**. The display **20** may also include textual GPS data, as indicated at **110**. Audio information **112** may be associated with the screen display.”), 3:61-67 (“The recorder **10** may store multimedia, such as video, audio and data files, in association with one another that a multimedia presentation may be provided . . . . For example, a digital image of a particular landmark may be stored in association with an audio description of that landmark and GPS coordinates which locate the landmark, for example.”) (underlining added).)

41. Independent claim 1 of the '165 recites receiving “additional data regarding the user, the additional data being related to the geographic location of the user.” I point to Clapper in my analysis to confirm the common-sense notion that the device **110** of Knowles could similarly be used to record a user’s voice annotation regarding a particular geographic location, such as a point of interest.

**B. Analysis Based on Knowles, Narayanaswami, Falkenhainer and Clapper**

**1. Independent Claim 1**

42. The preamble of claim 1 recites, “[a] **method of providing contact information regarding a user.**” Assuming the preamble of claim 1 provides a claim limitation, it is fully disclosed by Knowles. As explained below, Knowles discloses



that the system provides an account ID and associated email address for contacting a user.

43. Knowles discloses that “[e]ach user of [its] system has an assigned server account ID and password which is required in order to update account parameters and access messages stored on the server **140**.” (Ex. 1003, 6:29-32 (underlining added).) Knowles explains that each message sent from the user’s wireless device **110** includes the account ID so that the server **140**, upon receipt of the message, can associate the received message with the correct user account. (*See e.g.*, Ex. 1003, 4:60-62 (“The message includes an account ID, a recipient code (nickname), and at least one digital image created by the digital camera”) (underlining added), 13:38-44 (“the server receives a message, parses out information such as account number, ... [and] saves this in a server memory for future access and in a holding area designated for this account”) (underlining added).))

44. Knowles further explains that each wireless device **110** is assigned an account email address **341**, in the form of XXXXXX@YYYY.com, which is comprised of the user’s account ID (represented as XXXXXX) and a server domain name (represented as YYYY.com). (Ex. 1003, 9:4-19, FIG. 8.) “[A]ny e-mail messages which are received by the server for this e-mail address in an acceptable

format from authorized e-mail addresses ... will be forwarded to the associated wireless device.” (Ex. 1003, 9:15-19; *see also* Ex. 1003, 14:26-39.) The account email address **341** (and the user’s account ID) is thus “**contact information**” **provided** by the system that enables recipients to communicate with the user via email exchange through the server **140**. Moreover, the account email address **341** (including user’s account ID) is also “**provided**” because it is included in the exchanged email messages that are sent to and from the server **140**. A user’s account ID is further “**provided**” because it is included in messages that a user shares with specified recipients. (Ex. 1003, 13:38-44, 13:57-62.) Thus, Knowles fully discloses the preamble of claim 1.

(a) “allocating a user-specific space in memory accessible over a computer network to a specific user;” (Claim 1[a])

45. This limitation is disclosed by Knowles. Knowles discloses that its server **140** includes a memory that includes user-specific space for a user to store messages and other user account data.

46. The server **140** in Knowles includes the claimed “**memory**.” Knowles explains that “the server [**140**] receives a message, parses out information ... [and] saves this in a server memory for future access.” (Ex. 1003, 13:38-44 (underlining added); *see also* Ex. 1003., 15:42-43 (“server memory storing account configuration

data”), 6:29-34 (“Each user of such system has an assigned server account ID and password which is required in order to ... access messages stored on the server”), 7:23-27 (“FIG. 3 shows a representative configuration table **310** for the wireless device which... [is] stored in server memory”), 8:44-56 (“each wireless device user will have an account configuration record on the server”), 8:63-67 (“stored in server database tables”).)

47. Knowles further discloses “**a user-specific space in memory,**” as recited in the claim. For example, Knowles discloses that its memory stores password-protected user account information (Ex. 1003, 6:29-34, 4:2-14), including an account configuration record (Ex. 1003, 8:43-47) and configuration table **310** (Ex. 1003, 7:23-26), and messages (Ex. 1003, 13:38-44) for each registered user. Knowles further expressly states that messages are saved in a “holding area designated for this account.” (Ex. 1003, 13:38-44 (underlining added).) By providing password-protected access to user account information, as well as a holding area designated for the user, Knowles discloses **a user-specific space in memory** of server **140**.

48. The user-specific space in memory is **allocated to a specific user** as part of the registration process and as the user uses the system. Knowles explains that, once a wireless device **110** is registered with a network service provider, that

provider will “arrange for initialization of the account information **320** (FIG. 7) on the server **140**.” (Ex. 1003, 14:48-56; *see also* Ex. 1003, 14:57-15:14, 3:63-65 (“an account is established on the server”).) Only then is the user able to logon to the server **140** and use the server interfaces to enter recipient information and manage their account. (Ex. 1003, 14:48-56.) As the user uses the system, messages from the user are stored in a holding area designated for the user. (Ex. 1003, 13:38-44.)

49. The user-specific space in memory is “**accessible over a computer network**.” As explained in Knowles:

Th[e] server may be a private system accessible only via a private network, or may be connected to the Internet and be configured to allow wireless device users to access the server by using commonly available world wide web browsers. In either case the server is preferably remotely accessible in order to establish or update account parameters, or to access previously transmitted digital images and or responses thereto.

(Ex. 1003, 3:65-4:5 (underlining added); *see also* Ex. 1003, 6:29-34 (“Each user of such system has an assigned server account ID and password which is required in order to update account parameters and access messages stored on the server”), 4:2-14.) Thus, each user in Knowles can access information stored in their user-specific space in memory over the Internet.

50. Knowles therefore discloses “**allocating a user-specific space in memory accessible over a computer network to a specific user,**” as recited in the claim.

**(b) “associating a mobile communication device with the user;” (Claim 1[b])**

51. Knowles discloses this limitation. As noted, each user of Knowles’ system is assigned an account ID. (Ex. 1003, 6:29-34.) “[A]n account ... corresponds to at least one wireless camera device.” (Ex. 1003, 3:63-65.) Thus, each wireless device **110** in Knowles’ system is associated with a user.

52. Moreover, Knowles explains that each account has an associated account configuration record, which includes details about the user and the user’s device **110**:

FIG. 7 shows a representative account configuration record on the server **140** of the present invention. In the preferred embodiment wireless photo delivery system each wireless device user will have an account configuration record on the server which includes an account ID **321**, a password **322**, an account name **323**, a contact name **324**, a billing address **325**, a camera id **326** which corresponds to the RF modem **240** network equipment identifier or IP address (for those devices with a packet data modem), a wireless device dial ID number **327** corresponding to the phone number associated with the RF modem **240** (for those devices with a standard circuit switched cellular modem),

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and data fields **328** and **329** corresponding to the dates for which  
account service has been established.

(Ex. 1003, 8:43-62 (underlining added); *see also* Ex. 1003, Fig. 7.) Figure 7 of  
Knowles is shown below for reference:

320	Account ID	XXXXXX	321
	Password	PPPPPPPP	322
	Account Name	ReMax NC	323
	Contact Name	Joe King	324
	Billing Address	100 Atlantic Blvd Suite 100 Charlotte, NC 27999	325
	Camera ID	yyy.yyy.yyy.yyy	326
	Dial ID	zzz.zzz.zzzz	327
	Active from	MMDDYY	328
	Active to	MMDDYY	329
	Direct/Server(D/S)	S	330

As this figure shows, the device **110** identified by the camera ID **326** / IP address in  
the above record is associated with the user “Joe King.” Thus, Knowles discloses  
that a particular device **110** is associated with a particular user via the account  
configuration record stored within the system’s server **140**.

53. Knowles further discloses that a wireless device **110** is associated with  
a user as part of the device’s registration process:

[I]n cases where the user does no [sic] own a wireless device but only  
rents one on occasion, the user may establish an account and initialize  
address book details at his or her convenience prior to obtaining a  
wireless device, and the wireless device provider will associate a

particular device with this account information when the user picks up the device.

(Ex. 1003, 14:59-65 (underlining added); *see also* Ex. 1003, 14:66-15:14, 3:63-65.)

Thus, Knowles discloses “**associating a mobile communication device with the user,**” as recited in the claim.

54. As an aside, the above passage only discusses the registration of rental devices. A person of ordinary skill in the art would have understood, and it would have been obvious, however, that this device-to-account association occurs as part of every device registration, regardless of whether or not the device is a rental. This is again evidenced by the account configuration record in Figure 7, which is created for every account (rental or otherwise), and which lists both user information and specific device **110** information.

(c) “**determining a geographic location of the user by receiving location information provided by a mobile communication device;**” (Claim 1[c]))

55. This limitation is rendered obvious by Knowles in view of Narayanaswami. Knowles discloses that the wireless device **110** includes a “global positioning system (GPS) unit for capturing location data that may then be included in [a] message.” (Ex. 1003, 5:30-33; *see also* Ex. 1003, 13:28-44.) This location data is “**location information.**”

56. The server **140** in Knowles **receives** the location data from the wireless device **110**. For example, Knowles explains that the wireless device **110** sends a message with location data to the server **140** for forwarding and/or storage. (*See, e.g.*, Ex. 1003, 5:30-33, 13:30-55, 11:51-55 (“the message header **534** ... includes such data as ... location coordinates if available”), FIG. 19, 4:60-67 (“the message may include ... location coordinates”).) “[T]he server **140** receives [this] message, parses out information such as account number, image, audio data, date, time, classification, location, and recipient code which is included in the message, [and] saves this in a server memory for future access.” (Ex. 1003, 13:30-44 (underlining added); *see also* Ex. 1003, 6:29-34 (“access messages stored on the server”).) Thus, the server **140** in Knowles “**receiv[es] location information provided by a mobile communication device,**” as recited in the claim.

57. Knowles does not appear to disclose “**determining a geographic location of the user**” after the location data is received by the server **140** but this would have been obvious in view of **Narayanaswami**.<sup>1</sup>

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<sup>1</sup> Of course, because the location data is included in a message shared with specified recipients, a person of ordinary skill in the art would have recognized that a recipient



58. Narayanaswami similarly describes a digital image archive system that includes a camera **100** having a GPS receiver **114** “for recording the geographic position (e.g., latitude, longitude, and altitude) of the camera **100** ... when an image is taken.” (Ex. 1004, 5:54-60; *see also* Ex. 1004, 5:1-44.) Narayanaswami also similarly explains that this location data is recorded onto the image and then sent from the camera **100** to an image database **216** for archiving. (Ex. 1004, 6:49-54, 7:17-8:1, 8:40-52.) The location data in Narayanaswami is “used by the system **200** to index and retrieve certain images in response to a user query.” (Ex. 1004, 8:47-52.)

59. Narayanaswami discloses that its system includes a **region of interest (ROI) query module 208** that determines a geographic location associated with a digital image:

A region of interest (ROI) query module **208** is utilized in response to a user query that seeks to retrieve images corresponding to the region designated by the user. In particular, in response to a user query (as discussed further below), the ROI query module **208** will access the region boundary database **218** to determine the geographic boundaries

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could manually determine the geographic location associated with message (and thus the location of the user) by using the location data.

of the designated region, and then retrieve all images within the image database 216 having parameters [i.e., location data] which fall within the determined region boundary.

(Ex. 1004, 9:14-22 (underlining added).) Narayanaswami provides a real-world example of how the module **208** functions during a user query:

[I]f it is determined that a region of interest query was designated ... the ROI query module **208** will access the region boundary database **218** (such as the Geographic Information System (GIS) database discussed above) (step 312) and retrieve geographic boundary data for the particular region specified in the query (step 314). For example the query may designate “Yellowstone National Park” as a region of interest. The geographic boundary data (e.g., latitude and longitude) of “Yellowstone National Park” will be output from the database. The ROI query module **208** will then compare the retrieved boundary data with the location data (e.g., latitude and longitude data) associated with each of the images stored in the image database 216 (step 316). The ROI query module **208** will then retrieve every image having latitude and longitude parameters recorded thereon which fall within the string of latitude/longitude pairs of the designated boundary.

(Ex. 1004, 11:22-44 (underlining added).) This passage indicates that Narayanaswami’s system can determine the geographic location of the camera **100** (and thus the user operating the camera **100**) based on the location data recorded in the image, which was previously received by the image database **216**. Specifically,

in the example above, the system determines that all of the images having recorded location data within the designated geographic boundary are images taken at Yellowstone National Park. Narayanaswami also notes that the system is useful for determining whether images were taken in particular cities or tourist spots. (Ex. 1004, 11:40-44.) Thus, Narayanaswami discloses “**determining a geographic location of the user by receiving location information provided by a mobile communication device,**” as recited in the claim.

60. **Rationale and Motivation to Combine:** It would have been obvious to combine the photo delivery system in Knowles with Narayanaswami so that Knowles’ system included functionality similar to the region of interest (ROI) query module **208** described in Narayanaswami. This would have predictably resulted in a photo delivery system that allowed users to query the server **140** to determine images taken at a particular geographic location. For example, utilizing the functionality described in Narayanaswami, a user could log into Knowles’ system and retrieve all of the images they took at Yellowstone National Park while on vacation (or that were shared with them). (*See e.g.*, Ex. 1003, 4:46-50.)

61. A person of ordinary skill in the art would have found that Knowles and Narayanaswami are readily combinable. First, Knowles and Narayanaswami are analogous references in the same field of art. As previously discussed, both Knowles

and Narayanaswami disclose cameras that take photographs and record data, such as GPS coordinates. (Ex. 1003, e.g., 11:51-55, 13:38-44, Fig. 19; Ex. 1004, 6:49-54, 7:16-46.) And, the cameras in both references link the recorded GPS data to their photographs and then send those photographs (and their linked GPS data) to a remote server for storage. (Ex. 1003, e.g., 13:30-62; Ex. 1004, 7:61-8:5.) Narayanaswami provides an example of how Knowles' system could use the stored GPS coordinates.

62. Second, Narayanaswami provides express motivation to combine. As noted above, Knowles states that “there is a need for a networked image storage and archival service . . . [with] the ability to categorize and sort each image by time, date, and occasion.” (Ex. 1003, 1:57-67.) Narayanaswami similarly recognizes that “[t]here is a need, therefore, in the industry to provide a digital image database query system which can search for digital images based on parameters such as geographic location, time and date.” (Ex. 1004, 1:58-61 (underlining added).) Narayanaswami also identifies various situations where such a system would be of “significant value,” including a number of situations also identified by Knowles. (Ex. 1004, 1:61-2:6; Ex. 1003, 4:26-50.) As an example of how the system could be used, Narayanaswami explains that a person wanting to “relive the experience of escaping a cold winter in the northeast USA . . . may retrieve every picture and/or video clip that was taken during their trip to Daytona Beach” using location data recorded on

those pictures / video clips. (Ex. 1004, 1:27-35.) Narayanaswami therefore expressly recognizes, and a person of ordinary skill would have appreciated, the benefits of recording location data for categorizing, sorting, and searching for digital images and its ready applicability to the Knowles system.

63. Third, a person of ordinary skill in the art would have had a reasonable expectation that the combination would be successful. Adding the functionality described in Narayanaswami would be an add-on feature or improvement to Knowles' system and would not result in any other changes to the functionality of Knowles' system.

64. Lastly, I note that there is no temporal limitation for this claim so there is no requirement that a "geographic location of the user" is the *current* location of the user. However, even if there were such an interpretation, a geographic location determined as discussed above would still qualify as a "geographic location of the user." A person of ordinary skill in the art would have understood that a user could take a picture with the device **110**, add the location data discussed above, and immediately transmit a message with the image and location data to the server **140** for storage. (*See e.g.*, Ex. 1003, 1:43-52 (explaining that it is desirable to "view or share access to a digital photo quickly").) While in the same location, the user or a recipient could access the server for the message that the user just uploaded. In this

scenario, the message and its image and location data would include data indicative of the current location of the user and the geographic location determined using that data would similarly indicate the current location of the user.

65. Thus, for at least these reasons, it would have been obvious to combine Knowles with Narayanaswami to disclose and render obvious this claim limitation.

**(d) “storing data indicative of the location of the user in the user-specific space;” (Claim 1[d])**

66. Knowles discloses this limitation in at least two separate ways: (1) location data associated with digital images taken by the user; and (2) the digital images themselves.

67. First, as noted, Knowles discloses that its wireless device **110** includes a “global positioning system (GPS) unit for capturing location data that may then be included in [a] message.” (Ex. 1003, 5:30-33; *see also* Ex. 1003, 13:28-44.) Because the user is co-located with the wireless device **110** that includes the GPS unit, the location data captured by the GPS unit is “**data indicative of the location of the user.**” The location data provides the exact location of the wireless device **110** (and thus the user) in the form of longitudinal and latitudinal coordinates. (*See e.g.*, Ex. 1003, 4:64-67, 11:51-53.)

68. As noted above, Knowles also discloses this limitation in a second way. The digital images taken by the wireless device **110** in Knowles are also “**data**

**indicative of the location of the user.”** To begin with, a person of ordinary skill in the art would have understood that a digital image is data. Knowles also expressly discloses that “image files” are “data files.” (Ex. 1003, 2:58-60 (underlining added).)

69. Knowles’ digital images are photographs (or videos) of the location or area surrounding the wireless device **110** and thus the user. For example, Knowles describes using the wireless camera **110** to take photos of a home office for insurance adjusters, photos of a crime scene for the police, and vacation photos. (Ex. 1003, 4:37-50.) These examples suggest photos of subject matter near the wireless device **110**—i.e., in a proximity of device’s location—which is suggestive of the user’s location. Therefore, the digital images in Knowles are “**data indicative of the location of the user.**”

70. I note that, as discussed for the previous limitation, there is no temporal limitation for this claim so there is no requirement that the “location of the user” is the *current* location of the user. However, even if there were such an interpretation, the location data and images would still qualify as “data indicative of the location of the user” for the reasons I explained above.

71. Knowles explains that the message with an image and location data is sent to the server **140** where it is **stored** for future use:

FIG. 20 shows a process flow chart of how the server processes messages received from a wireless camera device. At block **544** the

server receives a message, parses out information such as account number, image, audio data, date, time, classification, location, and recipient code which is included in the message, [and] saves this in a server memory for future access and in a holding area designated for this account.

(Ex. 1003, 13:36-62 (underlining added); *see also* Ex. 1003, Figs. 18 & 19, 4:60-67 (“[t]he message includes ... at least one digital image created by the digital camera ... and/or location coordinates”), 12:6-15.)<sup>2</sup> For the reasons discussed with respect to claim element 1[a], the messages with digital images and location data are stored within the user-specific space in server memory.

72. Therefore, the server **140** in Knowles **stores data indicative of the location of the user in the user-specific space**.

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<sup>2</sup> A person of ordinary skill in the art would have understood the “location” mentioned in the above passage refers to the “location data” captured by the GPS unit in the wireless device **110**. Knowles also refers to “location” as “location coordinates”. (Ex. 1003, 4:60-67, 11:51-55 (“message header **534** ... includes such data as ... location coordinates if available”).)



(e) **“receiving, from the user, additional data regarding the user, the additional data being related to the geographic location of the user;” (Claim 1[e])**

73. This limitation is disclosed and obvious over Knowles, alone or in view of Clapper.

74. Knowles discloses that its “wireless camera includes a microphone interface for recording audio messages to be transmitted in a digital format with messages.” (Ex. 1003, 5:15-17 (underlining added); *see also* Ex. 1003, 8:13-28, 11:27-42, 12:12-15, Fig. 19 (illustrating an “audio” component of a message).) As noted, messages that include image data and audio data are transmitted from the wireless device **110** in Knowles to the server **140** where they are stored in memory. (Ex. 1003, 3:43-4:14, 6:23-34, 13:30-62 (“At block **544** the server receives a message, parses out information such as . . . image, audio data . . . [and] saves this in a server memory for future access”).) Thus, Knowles generally discloses that its server **140** receives audio messages / voice annotations from users’ wireless devices.

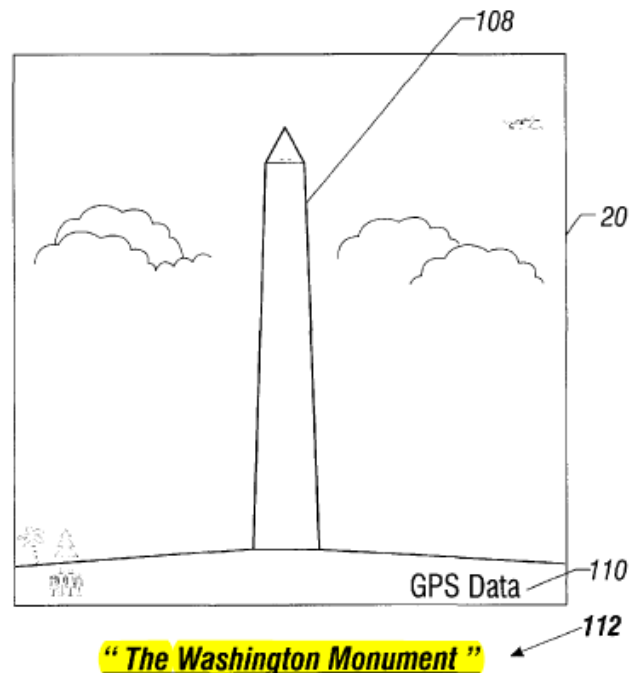
75. It would have been obvious to a person of ordinary skill in the art that a voice annotation in Knowles could be related to a geographic location, such as a point of interest. For example, Knowles explains that the wireless device **110** could be used while on a vacation to “share trip events.” (Ex. 1003, 4:47-50.) A well-known common practice while vacationing is to go sightseeing, i.e., to visit points

of interest. A person of ordinary skill in the art would have readily appreciated that the voice annotation feature described in Knowles could be used to record information about a point of interest being visited. For example, on vacation to Washington, D.C., a user could make a voice annotation to accompany a photo of the user's visit to the Washington Monument, a well-known point of interest in the city. The voice annotation could state, for example, "Here is a photo of my brother and me next to the Washington Monument." The voice annotation therefore qualifies as **"additional data regarding the user"** and **"related to the geographic location of the user."**

76. To the extent that there is any question that it would have been obvious to a person of ordinary skill in the art that a voice annotation in the Knowles system could qualify as the claimed "additional data," such a voice annotation is expressly disclosed by **Clapper**.

77. Like Knowles, Clapper discloses a mobile device ("recorder **10**") capable of taking photos and making voice annotations. (Ex. 1006, 2:2-25, 3:61-67, 5:8-16, 5:40-45.) Thus, "[f]or example, a digital image of a particular landmark may be stored in association with an audio description of that landmark and GPS coordinates which locate the landmark." (Ex. 1006, 3:64-67 (underlining added).) Clapper expressly discloses an example in which a photo of the Washington

Monument is associated with a voice annotation regarding that point of interest. As shown below, in annotated Figure 7 of Clapper, a digital image **108** is linked to audio information **112** that describes the photographed object as “The Washington Monument.” (Ex. 1006, 1:61-62, 5:40-45 (“An example of one embodiment of a display in accordance with the invention, shown in FIG. 7, includes a digital image **108** on a frame that may be displayed on the display **20**. The display **20** may also include textual GPS data, as indicated at **110**. Audio information **112** may be associated with the screen display.”).)



**FIG. 7**

78. **Rationale and Motivation to Combine:** It would have been obvious to a person of ordinary skill in the art to combine the relevant teachings from

Knowles and Clapper. The combination would have predictably resulted in voice annotations of Knowles that described the geographic location of the user of the mobile device **110**. A person of ordinary skill in the art would have reasonably expected that the combination would have been successful. Clapper identifies a common-sense way in which the voice annotation feature already present in the device **110** of Knowles could be used. There would have been no technological obstacle to this combination. Clapper and Knowles are analogous references disclosing similar systems for using mobile devices to record image and audio information for storage in a server system. Moreover, as noted, both references disclose using the systems for vacationing/sightseeing. (Ex. 1006, e.g., 1:10-14 (“For example, on a vacation, a tourist may travel to a variety of landmarks and at each landmark there may be particular sites which may be of note.”); Ex. 1003, 4:47-50.) A person of ordinary skill in the art would have therefore readily appreciated the combination of Knowles and Clapper.

**(f) “storing the additional data regarding the user in the user-specific space;” (Claim 1[f])**

79. As discussed above with respect to claim element 1[e], the server **140** in Knowles receives messages that include images, voice data/annotations and other data, and then stores those messages for future retrieval and use. (*See e.g.*, Ex. 1003, 13:36-44.) As further discussed with respect to claim element 1[a], the messages are

stored within the user-specific space in server memory, in a “holding area designated for [the] account.” (Ex. 1003, 13:38-44.)

**(g) “receiving from the user an access list of possible requesters of the data and the additional data;”  
(Claim 1[g])**

80. This limitation is obvious over Knowles in view of Falkenhainer. As discussed with respect to claim elements 1[d] through 1[f], the claimed “data” is satisfied by the images and location data in Knowles, and the claimed “additional data” is satisfied by the audio data disclosed in Knowles or Knowles in view of Clapper. As noted for those claim elements, the messages stored within the server **140** in Knowles include this “data” and “additional data.”

81. Knowles further discloses “**possible requesters of the data and the additional data.**” Knowles discloses that its server **140** has access to the memory where the messages are stored and can retrieve the messages from the memory upon query from a user or recipient. For example, Knowles describes an embodiment where the server **140** sends out an email message to one or more recipients with “a hyperlink to the server path or URL where [a] message has been saved.” (Ex. 1003, 13:57-62.) Knowles does not disclose in detail how a recipient would subsequently access the message, but a person of ordinary skill in the art at the time would have understood that clicking a hyperlink for the URL would cause a request to be sent to

the server **140** to retrieve the message from memory and provide it to the recipient. (See *e.g.*, Ex. 1003, Abstract, 4:46-50, 9:20-41, 13:30-62.)

82. Knowles also discloses that the server “**receiv[es] from the user an access list**” of possible requesters. Knowles explains that each user creates an address book, which is a list of potential recipients that may receive messages from the user’s wireless device **110**. (See *e.g.*, Ex. 1003, 7:23-57, Fig. 3, Figs. 8-9, 9:4-26, 14:46-65.) Knowles further explains that the user can also create groups of recipients in the address book by specifying list of individuals for each group. (Ex. 1003, Figs. 10-11, 9:42-10:5.) The server receives this address book information from the user and stores it in memory. (Ex. 1003, 8:62-9:4.) Knowles explains that the address book information allows the user “to control distribution of messages transmitted from the wireless device [**110**].” (Ex. 1003, 7:32-35; *see also* Ex. 1003, 13:57-62 (“If the message is to a group, then a list of recipient addresses is retrieved at block **556**”) (underlining added).) In other words, this allows the user to control who has access to specific messages and their content. The only people that have access to a specific stored message are the people that the user identified to receive the email with a hyperlink/URL. Thus, Knowles discloses “**receiving from the user an access list of possible requesters of the data and the additional data.**”

83. Knowles acknowledges the “need for a networked image storage and archival service which provides secure, reliable, and universally accessible image storage services.” (Ex. 1003, 1:53-67.) To the extent there is any question as to whether Knowles discloses an “access list” as claimed, **Falkenhainer** provides those details.

84. Similar to Knowles, Falkenhainer discloses allowing different people different access to information (e.g., files) on a server. In particular, Falkenhainer discloses that a user who “owns” a file can invoke an “edit properties” command in order to specify others who have permission to access the file. (Ex. 1005, 7:42-58, 8:24-44, Fig. 2; *see also* Ex. 1005, 3:32-40.) This produces an “**access list**” for a file. (Ex. 1005, Fig. 2 (reproduced below), 9:66-10:8 (“A matrix is displayed, with a list of potential users and/or persons currently with at least read access . . . including an option of removing a previously-listed person from the access list”).) The permissions are specified on a file-by-file basis. (Ex. 1005, 13:64-67.)

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Title: AIR User  
Owner: falkenhainer  
Private: ☐ Yes ☒ No

Access List:

User/Group	Reader	Writer	Manager	Remove From Access List
<u>Brian Falkenhainer</u>	x	x	x	
<u>John Doe</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Anyone</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FIG. 2**

85. Falkenhainer discloses that the access list is used to control access by possible requesters. Falkenhainer discloses a command utility **18** that is executed in order for a user to access a requested file. (Ex. 1005, e.g., 3:13-22, 7:6-16 (describing “get” command to access file and send to requesting user), 11:40-51.) When a command is received to access a particular file, the command utility **18** checks the access permissions of the requesting user. (Ex. 1005, 2:24-29 (“When a user enters a URL of a desired file, the identification number of the desired file is determined, the identification number of the user is determined, and the object associated with the desired file is consulted to determine if the user has access to the file.”), 9:23-32 (“Prefatory to the activation of any of the above commands such as add, view, etc., the command utility **18** does a permission check on the user initiating the command.”).)



86. **Rationale and Motivation to Combine:** It would have been obvious to a person of ordinary skill in the art to combine the relevant teachings of Knowles and Falkenhainer, which would have predictably resulted in the server **140** of Knowles providing an access to user images and messages based on an access list received by the user. For example, the command utility **18** could ensure that only people in a user's "manse" group could access messages shared only with the "manse group" while only people in the user's "family" group could access messages shared only with the "family" group. (*See e.g.*, Ex. 1003, Figs. 4, 10.)

87. To begin with, Knowles and Falkenhainer are analogous references related to sharing files over the Internet with specified recipients. For example, Knowles discloses sharing images and account information by transmitting an associated URL to specified recipients. (Ex. 1003, 13:57-62.) Falkenhainer similarly describes sharing files (such as graphics) with specific users by associating a URL with a list of authorized users. (Ex. 1005, 2:23-28, 2:44-51, 9:23-32, 9:66-10:8.)

88. Knowles and Falkenhainer are further similar because they both disclose sharing information with specified others on a message-by-message or file-by-file basis. To the extent not disclosed or suggested in Knowles, a person of ordinary skill in the art would have appreciated that limiting message access to the

specified individuals and/or groups would advantageously avoid inadvertent or unwanted disclosure of the messages to others not specified by the user. Falkenhainer expressly teaches that “it is desirable, in shared-files systems, to have some mechanism for security with respect to publicly-available documents, so that there can be some order and control over the contents of the documents.” (Ex. 1005, 1:28-32.)

89. A person of ordinary skill in the art would have reasonably expected that the combination would be successful and would have perceived no technological obstacle to the combination. Both references describe using conventional computer and Internet technologies and techniques, such as web servers, databases and CGI in a conventional way. (Ex. 1005, 11:40-51; Ex. 1003, 8:63-9:4.)

90. Moreover, as noted above, Knowles does not provide particular detail regarding how the server manages access to information. A person of ordinary skill in the art implementing the system of Knowles would have readily appreciated that Falkenhainer picks up where Knowles leaves off by disclosing that access permissions of the requesting user are checked against an access list provided by the user.

91. Thus, the prior art discloses and renders obvious the step of **“receiving from the user an access list of possible requesters of the data and the additional data,”** as recited in the claim.

**(h) “storing the access list of possible requesters of the data and the additional data in the user-specific space; and” (Claim 1[h])**

92. As discussed with respect to claim element 1[a], a user’s account information and configuration table are stored in a user-specific space for the user. Knowles explains that the account information and configuration table include a user’s address book information (i.e. **“access list of possible requesters”**). For example, Knowles explains that “each server account is password protected for access only by authorized users” who “may update their server accounts to establish recipient codes, or nicknames, ... thereby creating nicknames for the purpose of controlling how messages will be archived and/or distributed to individuals or groups.” (Ex. 1003, 4:5-14.) Knowles also discloses that the address book information is stored on the server **140** as part of a configuration table **310** for the user’s account. (Ex. 1003, 7:23-32.) An exemplary configuration table **310** is illustrated in Figure 3 of Knowles, reproduced at right. As shown, the table **310** lists

The table 310 is a configuration table with three columns. The first column (labeled 312) lists various requesters. The second column (labeled 314) contains status indicators (G, N, S). The third column (labeled 316) contains codes (XXX.XXX.XXX.XXX or empty). A bracket on the left groups the rows under the label 310.

312	314	316
3BR2BA	G	
ALL	G	
FAMILY	G	
MANSE	G	
BB	N	XXX.XXX.XXX.XXX
JBOB	N	XXX.XXX.XXX.XXX
JDOE	N	XXX.XXX.XXX.XXX
JDOE2	N	XXX.XXX.XXX.XXX
JEFF	N	XXX.XXX.XXX.XXX
REGAN	N	XXX.XXX.XXX.XXX
TB	N	XXX.XXX.XXX.XXX
CUSTOM	S	
HOLD	S	

the names of the groups defined by the user. (Ex. 1003, 7:32-38 (explaining that “G” designates a group nickname).)

93. As discussed above for claim 1[g], the “access list” is obvious over Knowles and Falkenhainer. For the reasons explained above, it would have been obvious to a person of ordinary skill in the art that the address book information stored in the user-specific space could be used to control access to requested data, as described in Falkenhainer. I explained the rationale and motivation to combine Knowles and Falkenhainer in my analysis for claim 1[g], which applies equally here.

94. Thus, the prior art discloses and renders obvious the step of **“storing the access list of possible requesters of the data and the additional data in the user-specific space.”**

(i) **“providing the data indicative of the location of the user and the additional data regarding the user to possible requesters on the access list.” (Claim 1[i])**

95. This limitation is disclosed by Knowles in view of Falkenhainer for the reasons discussed with respect to claim element 1[g]. Specifically, as discussed in that section, when Knowles is combined with Falkenhainer, the system provides specific messages to only those recipients that are authorized to view the message per the access list. The recipients are “requestors” because a person of ordinary skill in the art would have understood that clicking the hyperlink would send a request to

the server **140**, which prompts the server **140** to access its memory and retrieve the specific archived message associated with the hyperlink.

96. As discussed with respect to claim elements 1[d] and 1[e], the messages in Knowles include digital images, location data, and voice data, which are the claimed **“data indicative of the location of the user”** and the claimed **“additional data regarding the user.”** When a group recipient clicks on the hyperlink for the URL such that the message is retrieved from memory and provided to the recipient, that recipient is provided with the “data” and “additional data.”

97. For these reasons, the prior art renders Claim 1 obvious.

## **VI. ENABLEMENT OF THE PRIOR ART**

98. I am informed that in an *inter partes* review, the petitioning party does not have a burden to show that the prior art is enabling. Nevertheless, in my opinion, the Knowles, Narayanaswami, Falkenhainer and Clapper references provide enough detail to enable a person of ordinary skill in the art to practice the limitations of the claim to which they apply without undue experimentation.

99. To begin with, I am further informed that, for purposes of assessing the prior art, the disclosures in issued U.S. patents are presumed enabling, and that this presumption extends to claimed and unclaimed material. All of the prior art that I

rely upon in my analysis—Knowles, Narayanaswami, Falkenhainer and Clapper—are issued U.S. patents and therefore presumed enabling for all that they disclose.

100. Moreover, the '165 patent itself makes clear that any technological underpinnings to the claims were already in place by April 2000. As I noted above, the '165 patent acknowledges that “[t]he use of mobile communications units, such as cellular telephones, is becoming increasingly common.” ('165, 1:16-17.) The '165 patent also acknowledges that “[t]echniques for communicating GPS related information to wireless devices, particularly information allowing a wireless communication device to quickly obtain its location are known.” ('165, 2:8-11.) The '165 patent further treats server systems accessible over the internet as firmly in the prior art. ('165, 1:56-59 (“[S]erver computers reachable through the internet are commonly provide [sic] nearly boundless information, with much of the information having geographical relevance”).)

101. The prior art that I have discussed similarly makes clear that implementing the claims involved the routine and conventional use of generic technologies. For example, Knowles discloses that digital cameras are commercially available (and “increasingly popular”) and discusses using existing cellular service providers for transmitting data to a server. (Ex. 1003, 1:20-22, 2:4-13.) Knowles identifies commercially available products for implementing the digital photo

delivery system, including “a handheld PC such as the Mobile HC 4100 connected to a CF-AG04 color digital camera card, both available from Sharp Electronics Corporation, and a wireless CDPD modem such as the Sage modem available from Novatel Wireless, Inc.” (Ex. 1003, 6:61-66; *see also* Ex. 1003, 6:66-7:13.) Knowles similarly states that the server **140** may be implemented “by using general purpose hardware components.” (Ex. 1003, 6:58-61.) Narayanaswami similarly describes using a camera “having conventional components.” (Ex. 1004, 5:1-12.) Narayanaswami further describes using a conventional database system such as “IBM DB2” for archiving and retrieving digital images. (Ex. 1004, 8:40-42.) Falkenhainer also discloses using conventional and standard web technology, such as CGI, for implementing its server-based, file-by-file access control system. (Ex. 1005, 11:40-51.) GPS receivers were also known and commercially available, and are treated accordingly by Knowles, Narayanaswami and Clapper. (E.g., Ex. 1004, 2:45-3:21.) In short, a person of ordinary skill in the art would not have required disclosures any more detailed than the disclosures in the prior art to apply the prior art teachings in the manner described in this Declaration.

## **VII. CONCLUSION**

102. For at least the preceding reasons, I believe that claim 1 of the '165 patent is invalid pursuant to 35 U.S.C. § 103.

Declaration of Stephen Gray in Support of  
Petition for *Inter Partes* Review of  
U.S. Patent No. 7,343,165 B2

103. 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 this proceeding. If required, I will appear for cross-examination at the appropriate time. I reserve the right to offer opinions relevant to the invalidity of the '165 patent claims at issue and/or offer testimony in support of this Declaration.

104. I hereby declare that all statements made herein of 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 18 U.S.C. § 1001.

Dated: April 3, 2018

Respectfully submitted,



Stephen Gray  
Solana Beach, California



# EXHIBIT A

# Stephen Gray

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## Expertise

- Distributed Computing Architecture
  - Internet/Web/e-Commerce
  - Web Services Protocols/SOA
  - Client/Server Technology
  - User Interface Technology
  - Software Architecture
  - Image and Document Processing
  - Relational Database Design
  - Network Architecture
  - Software Quality
  - Software Development Life Cycle
  - Clean Room Design
- 

## Professional Summary

Mr. Gray has over 30 years of experience in the computer and communications industries. His background includes systems and software architecture, design and development as well as senior management positions in development, marketing, and general management.

## Employment History

From: 1984      **Gray & Yorg, LLC**  
To: Present      San Diego, CA  
Position: *Principal*

Mr. Gray is an expert in modern computing platform architecture, design, implementation and integration, including relational database design in networking environments. In providing consulting services, he has successfully completed the following projects:

- Performed patent portfolio analysis for large corporations
- Developed policies and procedures for a “clean” software development environment. Monitored activities to ensure conformance.
- CSO for a Business Process Management software start up. The firm develops Web Services/SOA based BPM creation, orchestration, management and optimization solutions.
- CTO for an e-Commerce Internet start up. The firm developed a product that specializes in procurement for public agencies.
- Interim CEO for a broadband Competitive Local Exchange Carrier (CLEC). Helped negotiate the successful sale of the CLEC.
- CTO for an Internet-based secure content distribution startup. The firm developed comprehensive Digital Rights Management (DRM) solutions for the control and promotion of content on the Internet.
- Architected several e-Commerce applications for legacy interoperability

- Participated in the architecture definition and design of a highly scalable, high performance device controller for multifunction document processing products
- Performed a detailed analysis of the competitive environment for retail point-of-sale hardware and software systems. Analysis included technology, marketing, compensation and back office interface issues
- Provided system design, product selection and project management for a turnkey software/hardware system for residential refuse hauling and toxic waste disposal company. System involved multiple hardware and software vendors around the IBM AS400 central processing system
- Led the design of a high performance, LAN-based image capture and statement printing subsystem using IBM system components using DBII relational database and SQL language for TRW
- Led the design of an image assisted, remittance processing system using IBM system components and Sybase relational database in a client/server architecture for TRW. Additionally, designed an object-oriented front end to the database so that the UNIX platform could execute Sybase applications
- Engaged to perform a technology audit for the United States Department of Agriculture using ORACLE database products, which resulted in a major overhaul of the database management implementation for their application
- Collaborated with FileNet to develop an IBM-to-UNIX interconnection strategy for their optical disk-based document imaging and filing system
- Defined high speed interconnection and relational database methods using SQL language for Marriott Corporation to handle large transaction volumes in a hotel reservations system
- Collaborated with Xerox in mid 1990s development of an electronic printing system front end supporting a wide range of advanced printing services, including resolution enhancement technology
- Advised Northern Telecom on the performance of IBM's Net View product
- Authored two technical seminars: SNA Technology Update, OS/2 and SAA, Introduction to Client/Server Technology with special emphasis on relational database management. Published articles in trade journals such as Interface Age, CASE World and Info World

From: 2001      **Network Exchange Incorporated**  
 To: 2002      Bonsall, CA  
 Position: *Chief Technical Officer*  
 Network Exchange, Inc. (NEI) provides Fortune 2000 companies

private trading exchange (PTX) solutions that automate their B2B commerce activities. NEI is a restart. NEI is funded by institutional investors in New York and Florida. Mr. Gray was recruited in 4Q01 by the investors as part of the new management team.

From: 2000 **NTN Communications**

To: 2001 Carlsbad, CA

Position: *Chief Technical Officer*

NTN Communications, Inc. (AMEX: NTN) is the parent corporation of two operating divisions: Buzztime Entertainment, Inc. and the NTN Network®. Mr. Gray serves as CTO for the parent corporation and each of its operating divisions.

Buzztime Entertainment, Inc. develops and distributes sports and trivia games to a variety of interactive platforms including interactive television, the Internet, PDS and mobile phones.

The NTN Network, NTN's hospitality business, operates two interactive television (ITV) networks that broadcast games to millions of consumers each month at 3500 restaurants, sports bars and taverns in North America.

Mr. Gray is responsible for all of the technical aspects of the corporations as well as forward looking programs and business opportunities.

From: 1987 **Simpact Associates**

To: 1988

Position: *Director, Product Marketing*

Directed the full life cycle of definition, delivery, marketing and enhancement of four sets of IBM connectivity products, including:

- SNA protocol support hardware and software for DEC VAX systems
- An IBM PC-based gateway product that supports SNA and other industry-standard communications architectures
- A Netware-based Token Ring Network adapter board and software for DEC VAX systems
- A hardware/software product that receives financial market feeds and reformats the information for presentation to programs running a VAX via a proprietary applications programming interface (API)

From: 1982 **Xerox Corporation**

To: 1987

Position: *General Manager, Host Software Products*

1985-87 As the founder and leader of the product delivery organization of a Xerox independent business unit, Mr. Gray managed 21 employees and 33 contract professionals. He directed the definition, architecture,

design, development, test, product transfer and sustaining engineering of six products for electronic page printers connected to IBM mainframes (MVS, VSE, VM), DEC VAX (VMS) and IBM PC's (DOS).

1982-85

*Manager, Foreign System Interconnect.* Managed four professionals who defined and developed the technical interconnect strategy for electric page printers to wide-and local-area networks. Mr. Gray's group delivered host software, network and printer engineering services. He invented a new printer interconnection technique, developed interfaces to Ethernet local area network, and designed connections to IBM mainframes using SNA and the System/370 channel.

From: 1979 **Computer Communications, Inc.**

To: 1982

Position: *Manager, Communication Controller Software Development*  
As leader of the architecture, design, development, and testing of an SNA communications controller in the MVS operating environment, Mr. Gray managed 24 professionals. His group successfully designed, developed and deployed the controller's operating software, diagnostics, host-based compilers, and system support software. Before that, he was the product manager for front-end processors and remote concentrators. Also, he engineered an X.25 multi-channel controller.

From: 1977 **Olivetti Corporation**

To: 1979

Position: *Regional Support Manager*  
Started as a district manager and later became a regional software support manager for a series of mini- and microcomputer business systems. Applications included general business and on-line front-office banking.

From: 1973 **Burroughs Corporation**

To: 1977

Position: *Systems Programmer, Systems Analyst*  
Specializing in data communications software and held several design and product implementation positions in the mid range and small system development groups (MCP).

### **Additional Professional Experience:**

- Designed and implemented numerous relational database management systems using Sybase, Informix, Microsoft Access, DB2.
- Knowledgeable in C, C++, SQL, COBOL, RPG, Basic, Java, various Assembler languages, HTML, XML.

- Designed IBM SNA Distribution Services compatible electronic mail interface product. The product interfaced to MCI mail services.
- Designed peer-to-peer printing network product for MCI
- Designed image-processing system for TRW on contract with the Internal Revenue Service. Participated in the implementation of a prototype of the system.
- Designed image based item processing system for TRW and IBM Participated in the implementation of a prototype of the system.
- Defined IBM interoperability strategy for FileNet products.
- Defined distributed network printing product for Xerox.
- Defined and managed several networking products for Simpact Associates. Used the System Strategies Inc. Express SNA package.
- Defined, designed and implemented several interoperability interfaces to Xerox Electronic Printers.
- Defined, designed and implemented telecommunications control devices for Computer Communication Incorporated.
- Developed and presented numerous public and in-house courses in IBM, Unix, Internet and related operating system and networking technologies.
- Member of UCSD Connect “Most Innovative Product Award” Selection Committee (2002, 2003, 2004).

Member of Association of Computing Machinery and Institute of Electronic and Electrical Engineers

### **Litigation Support Experience**

(Note: Those entries marked with \* indicate testimony by trial, hearing or deposition in the last 5 years. The retaining party is underlined.)

Date:	2018	Holland & Knight Advice Interactive Group v. <u>Web.com</u> (Case No. 3:17-cv-00801-BJD-MCR) Copyright and Trade Secret – Directory Management Active
Date:	2018	Brooks Kushman Ameranth v. <u>Domino's Pizza</u> (Case No. 3:11-cv-01810-DMS-WVG) Patent Infringement – Hospitality Information Management Active
Date:	2017*	Greenberg Traurig Team Express Distributing LLC v. <u>Microsoft</u> (Case No. 5:15-cv-00994-DAE) Contract Dispute – Software Development Active
Date:	2017*	Cooley Godward

		<u>SoundView v. Facebook</u> (Case No. 1:16-cv-00116) Patent Infringement – Web Technologies Active
Date:	2017	Greenberg Traurig <u>Yahoo! v. AlmondNet</u> (Inter Partes Reviews and Covered Business Method Reviews) Patent Infringement – Internet Advertising Active
Date:	2017*	The Sladkus Law Group Broker Genius v. <u>NRZ</u> (1:17-cv-02099-SHS) Copyright and Trade Secret – Online Sales Inactive
Date:	2017	Lapp, Libra, Thomson, Stoebner & Pusch <u>Midwest Veterinary Supply v. Insite Software Solutions</u> Contract Dispute – Software Development Active
Date:	2017	Covington & Burling <u>Verizon v. Bridge &amp; Post</u> (Inter Partes Reviews) Patent Infringement – Directed Media Active
Date:	2016*	Quinn Emanuel Telesocial v. Orange (Case No. 3:14-CV-03985-JD) Trade Secret Misappropriation – Smartphone Telephony Inactive
Date:	2016	Fish and Richardson <u>Phoenix Licensing v. TIAA-CREF, LifeLock</u> (Case No. 2:15-cv-1367) Patent Infringement – Web Marketing Inactive
Date:	2016	Benesch, Friedlander, Coplan and Aronoff LLP <u>PCCA v. Sogeti</u> (Case No. 3:15-cv-00239, SD OH) Breach of Contract, etc. – System Re-write Active
Date:	2016	Locke Lorde <u>Bluespike v. Huawei, InfoSonics, et al.</u> (Case No. 6:13-CV-679-RWS, ED TX) Patent Infringement – Address Space Layout Randomization Active

Date:	2016	Wilson Sonsini Goodrich and Rosati Acceleration Bay LLC v. Activision Blizzard Inc. Consulting Expert for <u>Bungie</u> Active
Date:	2016	Holland and Knight, LLP HyVee v Inmar Inc. (Case No. 4:15-CV-00275-JEG-CFB, SD IA) IPR – Coupon management Active
Date:	2016	Bryan Cave Skyline v Freeney (Pet. No. unknown, PTAB) IPR – Distributed pricing Inactive
Date:	2015	Baker Botts <u>Phoenix Licensing v. DISH Network L.L.C.</u> CBM – eCommerce technology Inactive
Date:	2015	Paul Hastings Summit 6 LLC v. HTC Corp. Patent Infringement – Media management Inactive
Date:	2015	Orrick, Herrington & Sutcliff LLP Esselte v. Dymo (Pet. Nos. unknown) IPR – label printing Active
Date:	2014*	Orrick, Herrington & Sutcliff LLP Good Technology Corp. v. <u>MobileIron, Inc.</u> (Case No. CV-12-05826 PSG, ND CA) Patent Infringement – mobile data management in IOS and Android mobile phones. Inactive
Date:	2014*	Bracewell & Giuliani LLP Droplets, Inc. v. <u>Overstock.com, Inc., Sears et al</u> (Case No. 2:11-CV-401-JRG-RSP, ED TX) Patent Infringement – distributed processing Inactive
Date:	2013*	Neal, Gerber & Eisenberg LLP <u>Transunion</u> v. Experian (Pet. No unknown, PTAB)



		<i>CBMR</i> Inactive
Date:	2014	Mayer Brown, LLP M Seven v. <u>Leap Wireless (Cricket)</u> Copyright – mobile phone software Inactive
Date:	2014*	Jackson Walker Personal Audio v. <u>Lotzi Digital, Inc. (Case No. 2:13-cv-00014, ED TX)</u> Patent Infringement – distributed processing Inactive
Date:	2014*	Fish and Richardson, et al Diet Goal Innovations v. <u>Chipotle, et al (Case No. 2:12-cv-00761-JRG-RSP, ED TX)</u> Patent Infringement – distributed processing Inactive
Date:	2014*	Mayer Brown, LLP B.E. Technology v. <u>Google (Pet. No. unknown, PTAB)</u> <i>Inter Partes Review</i> Active
Date:	2014	Greenberg Traurig, LLP PersonalWeb Technologies, LLC; et al v. <u>Microsoft Corporation</u> Patent Infringement – distributed processing Inactive
Date:	2013	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP Datatresury Corp v. <u>Fidelity National Information Service (Pet. No. unknown, PTAB)</u> Patent Infringement – distributed processing <i>CBMR</i> Inactive
Date:	2013	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP CheckFree Corp., et al. v. <u>Metavante Corp, et al.</u> Patent Infringement – distributed processing Inactive
Date:	2013*	Perkins Coie LLP Enfish, LLC v. <u>Microsoft Corp., et al. (Case No. 12-cv-7360-MRP, CD CA)</u> Patent Infringement – Windows OS data management Inactive

Date:	2013	<p>Klarquist Sparkman, LLP</p> <p>Optimize Technology Solutions, LLC v. <u>Staples, Inc., et al.</u> (Case No. 2:11-CV-00419-JRG, ED TX)</p> <p>Patent Infringement – targeted advertising</p> <p>Inactive</p>
Date:	2013*	<p>Shibolleth, LLP</p> <p><u>TJAT</u> v. Amdocs (Case No. 50 117 T 00845 13, NYC NY)</p> <p>Copyright and Trade Secret Infringement – mobile telephony</p> <p>Inactive</p>
Date:	2013*	<p>Mayer Brown, LLP</p> <p>B.E. Technology v <u>Google</u> (Pet. No. unknown, PTAB)</p> <p>IPR – targeted advertising</p> <p>Active</p>
Date:	2013	<p>Ostrow Kaufman</p> <p>Geotag, Inc. v. <u>Burberry Ltd.</u> (Case No. 2:10-cv 00265-JRG, ED TX)</p> <p>Patent Infringement – search engine technology</p> <p>Inactive</p>
Date:	2013	<p>Locke Lord LLP</p> <p>Geotag, Inc. v. <u>Rolex Watch USA</u> (Case No. 2:11-CV-405, ED TX)</p> <p>Patent Infringement – search engine technology</p> <p>Inactive</p>
Date:	2013	<p>Fish &amp; Richardson</p> <p>Ingeniador v. <u>Adobe Systems Inc.</u></p> <p>Patent Infringement – data management</p> <p>Inactive</p>
Date:	2013*	<p>Ostrow Kaufman</p> <p><u>ComScore</u> v. Moat (Case No. 2:12-CV-695-HCM-DEM, ND VA)</p> <p>Patent infringement – website monitoring in Mozilla based systems</p> <p>Inactive</p>
Date:	2013	<p>Silicon Edge Law Group</p> <p><u>Alacritech</u> v. Hewlett-Packard (Patent Interference No. 105,909, BPAI)</p> <p>Patent interference – network performance</p> <p>Inactive</p>
Date:	2013	<p>Park, Vaughan, Fleming &amp; Dowler</p> <p>Wisconsin Technology Venture Group v. <u>FatWallet</u> (Case No. 3:12-cv-326, WD WI)</p> <p>Patent infringement – distributed processing</p>

		Inactive
Date:	2013*	Jones Day Hartford v. <u>Progressive</u> (Case No. 1:12-cv-02444, ND OH) Patent infringement – distributed processing Inactive
Date:	2013	Norton Rose Fulbright BNP v. <u>United Health et al</u> (Case No. 1:09-cv-04690 ND IL) Patent infringement – distributed processing Inactive
Date:	2012	Merchant & Gould Phoenix Licensing v. <u>First Premier et al</u> (Case No. Not Available, ED TX) Patent infringement – distributed processing Inactive
Date:	2012	Haltom Doan eLynxx v. <u>InnerWorkings</u> ( 1:10-cv-02535-CCC, MD PA) Patent infringement – distributed processing Inactive
Date:	2012	Jackson Walker Global Sessions v <u>Travelocity et al</u> (Case No. 6:10-cv-671, ED TX) Patent infringement – distributed processing Inactive
Date:	2012*	Cooper & Dunham DDR Holdings v. <u>Hotels.com, et al (National Leisure Group)</u> (Case No. 2:06-CV-42, ED TX) Patent infringement – travel web site Inactive
Date:	2012	Fish & Richardson Summit 6 v. <u>RIM</u> (Case No. 3:11-CV-00367, ND CA) Patent infringement – media handling Inactive
Date:	2012*	Quinn Emanuel Apple v. <u>Samsung</u> (Case No. 11-cv-01846-LHK, ND CA) Patent infringement – user interface operations in Android mobile systems Active
Date:	2012*	Morrison & Foerster Augme v. <u>Yahoo!</u> (Case No. C-09-5386 JCS, ND CA)

		Patent infringement – distributed processing Inactive
Date:	2012	Wilson Sonsini Goodrich & Rosati Home Bondholders v. <u>Salesforce.com</u> (Case No. 2:11-CV-02409 AHM, CD CA) Patent infringement – distributed processing Inactive
Date:	2011*	Jackson Walker <u>Transunion</u> v. Experian (Case Info Not Available) Patent infringement – distributed processing Active
Date:	2011	Vinson & Elkins <u>Ariba</u> v. Rearden (Case No. CV11-01619, ND CA) Contract Dispute Inactive
Date:	2011*	Quinn Emanuel <u>Catalina Marketing</u> v. Coupons Inc. (Ref. No. 11000654507, SF CA) Contract Dispute Inactive
Date:	2011	Alston & Bird <u>Openwave</u> v. Apple, et al (Case Info, Not Available) Patent infringement – distributed processing Inactive
Date:	2011*	DLA Piper <u>Motorola</u> v. Tivo (Case No. 5:11-CV-00053-JRG, ED TX) Patent infringement – audio/video processing in DVDs Inactive
Date:	2010*	Law Office of Christian E. Mammen, Lieff Cabraser Heimann and Bernstein, LLP and Tousley Brain Stephens, LLP <u>Deep9</u> v. Barnes & Noble Patent infringement – distributed processing using Android based mobile systems Inactive
Date:	2010*	McDermott Will & Emery, Alston & Bird Bedrock v. <u>Soft Layer</u> , et al (Yahoo!, AOL, MySpace) Patent infringement – distributed processing in Linux systems Inactive

Date:	2010	Quinn Emanuel <u>Soverain</u> v. J.C. Penney, et al Patent infringement – distributed processing Inactive
Date:	2009*	Jones Day Oracle v. <u>SAP</u> Copyright infringement – enterprise software Inactive
Date:	2009*	Foley & Lardner DataTreasury v. <u>US Bank</u> Patent infringement – distributed processing Inactive
Date:	2009*	Gibson, Dunn & Crutcher IPI v. <u>Red Hat, Novell</u> Patent infringement – distributed file systems in Linux systems Inactive
Date:	2009*	Jackson and Walker ICR v. <u>Harpo</u> Patent infringement – e-Commerce Inactive
Date:	2009	Cooley Godward Leader v. <u>Facebook</u> Patent infringement – distributed file systems Inactive
Date:	2009*	Jones Day SuperSpeed v. <u>IBM</u> Patent infringement – distributed file systems Inactive
Date:	2008	Baker & Botts Fotomedia v. <u>Yahoo!</u> Patent infringement – file sharing Inactive
Date:	2008*	PaulHastings Datascape v. <u>Kyocera, et al</u> Patent infringement – Internet protocols on feature phones Active

Date:	2008	Hogan & Hartson <u>ODS</u> v. Magna Entertainment Patent infringement – E-Commerce Inactive
Date:	2008*	Winston & Strawn <u>CNET</u> v. Etilize Patent infringement – E-Commerce Inactive
Date:	2008*	Weil, Gotshal & Manges i4i v. <u>Microsoft</u> Patent infringement – Data formatting, representation in MS Word Inactive
Date:	2008*	Jones Day <u>MathWorks</u> v. COMSOL Patent infringement - interoperability, Copyright Inactive
Date:	2008	Townsend, Townsend & Crew Anthurium v. <u>Spheris</u> Patent infringement – Distributed Processing Inactive
Date:	2008	Jones Day <u>Soverain</u> v. CDW, et al Patent infringement – e-commerce Inactive
Date:	2008	Paul Hastings Sify v. <u>Yahoo!</u> Trade secrets Inactive
Date:	2007	Finnegan Henderson Cisco v. <u>Telcordia</u> Patent infringement – system monitoring Inactive
Date:	2007	Brown Raysman WebSide Story v. <u>NetRatings</u> Patent infringement – web monitoring in Mozilla bases systems Inactive
Date:	2007	Paul Hastings

		<u>MediaTek</u> v. Sanyo Patent infringement – data compression Inactive
Date:	2007	Sutherland <u>FedEx</u> v. U.S. Tax Credit Inactive
Date:	2006	Jones Day <u>IBM</u> v. Amazon Patent infringement – Electronic commerce Inactive
Date:	2006	Brown Raysman <u>NetRatings</u> v. SageMetrics Patent infringement – web monitoring Inactive
Date:	2006	Young Conaway Stargatt & Taylor Sungard v. <u>PHI</u> Breach of contract Inactive
Date:	2006	Paul Hastings <u>Autobytel</u> v. Dealix Patent Infringement – Electronic commerce Inactive
Date:	2005	Brown Raysman <u>NetRatings</u> v. Coremetrics, et al Patent Infringement – Electronic commerce Inactive
Date:	2005	Kim & Wilcox HealthFirst v. <u>HealthTrio</u> Contract Dispute – Electronic information portals Inactive
Date:	2005	Ropes & Gray (Fish & Neave) <u>Ampex</u> v. Kodak, et al Patent Infringement – Image transformation Inactive
Date:	2005	Sedgwick Detert Moran & Arnold LLP <u>Waltrip Associates</u> v. Kevin Kimberlin & Spencer Trask Ventures

		Contract Dispute - Theft of trade secret, EDI and ecommerce Inactive
Date:	2005	Orrick, Herrington & Sutcliffe LLP <u>Metilinx</u> v. Hewlett-Packard Contract Dispute - Large scale software deployment, QA, system management Inactive
Date:	2005	Morrison & Foerster <u>BEA</u> v. SoftwareAG Patent Infringement - Web Services, Software development tools, OOP Inactive
Date:	2005	Jones Day Orion v. <u>American Honda</u> Patent Infringement – Electronic Catalogs and Brochures Inactive
Date:	2004	Keker & Van Nest AB Cellular v. <u>City of Los Angeles</u> Contract Dispute – Tax Authority, Source Code Analysis Inactive
Date:	2004	Silicon Edge Law Group Oracle v. <u>Mangosoft</u> Patent Infringement – Web System Personalization Inactive
Date:	2003	Smith Katzenstein & Furlow LLP S. Rakoff et al v. <u>Dot Com Group, A. Nash et al</u> Contract Dispute – Web Analytics Inactive
Date:	2003	Jones Day Hill v. <u>IBM</u> Patent Infringement – Electronic Catalog, distributed data management Inactive
Date:	2003	Fish & Richardson Mirror Imaging LLC v. <u>Affiliated Computer Services</u> Patent Infringement – Electronic Document Storage Inactive



Date:	2003	Jones Day VPS LLC v. <u>Eastman Kodak Co. and Ofoto</u> Patent Infringement – Digital Media distribution Inactive
Date:	2002	Fish & Neave LLP <u>Harrah's Casino</u> v. Station's Casino Patent Infringement – Player loyalty system in a network Inactive
Date:	1984	O'Melveny & Myers <u>IBM</u> v. NCR Comten Copyright Infringement - Code comparison and product analysis and design of alternative technologies. Inactive

## Education

<u>Year</u>	<u>College/University</u>	<u>Degree</u>
1973	California Polytechnic University	BS, Economics

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