

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WILSON ELECTRONICS, LLC,
Petitioner,

v.

CELLPHONE MATE, INC. d/b/a SURECALL
Patent Owner

Case Nos. IPR2018-01771
U.S. Patent No. 8,867,572

Case Nos. IPR2018-01774
U.S. Patent No. 9,402,190

Case Nos. IPR2018-01778
U.S. Patent No. 9,100,839

DECLARATION OF LAINE MATTHEWS

Wilson v. Cellphone-Mate (SureCall) IPR2018-01774 SureCall Exhibit 2003
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I, Laine Matthews, hereby declare as follows:

1. I am currently the Vice President of Business Development at Cellphone Mate, Inc. d/b/a SureCall, the Patent Owner. I have personal knowledge of the matters set forth herein, and, if I am called upon to testify, I could and would testify competently hereto.

2. I have been asked by SureCall to provide the following information regarding the cell phone booster market, the long felt need for the solution provided by SureCall's Force5 product, the failure of others to find that solution, copying of the solution by others, and industry praise for the Force5. I have been informed that SureCall's technical expert, Dr. Moon, will separately explain how the Force5 practices the inventions claimed in each of the SureCall patents that Wilson is challenging in these inter partes reviews.

BACKGROUND

3. I have over twelve years of experience in sales and business development in the cell phone signal booster industry. During that time, I have worked for both SureCall and Wilson, the Petitioner.

4. I was employed by Wilson Electronics, LLC for approximately 11 years, spanning May 2006 to January 2017. I started at Wilson in May 2006 as a Sales Representative covering Latin America. As a Sales Representative, I was

responsible for making sales of Wilson Electronics' cell phone signal boosters to customers throughout Latin America. I held that position until May 2007 when I became a Key Account Manager, a position I held through April 2010. My responsibilities as a Key Account Manager included managing sales and relationships with some Wilson Electronics' most important customers.

5. In 2010, I became the Director of Business Development for Wilson Electronics, a position I held until December 2013. During that time, I was responsible for the overall management of key customer accounts and relationships as well as management of the key account sales team, providing market feedback to the company leadership regarding competitive offerings, and provide industry insights to aid with generating product development ideas based on my understanding of the industry and relationships with customers.

6. In December 2013, I then became the Director of Sales for Wilson Electronics, a position I held for approximately one year. As Director of Sales, I was responsible for driving sales of Wilson Electronics' products world-wide and also oversaw the majority of its sales representatives and account managers.

7. Subsequently, I became the Director of the Consumer Solutions Business Unit. In that capacity, I liaised with our key consumers to understand their needs as far as product and services and was responsible for building and managing the consumer solutions product roadmap.

8. In August 2015, I was promoted again to the Director of Commercial Sales, which was the position I held until I left Wilson Electronics in January 2017. In that capacity I was involved for world-wide sales of Wilson Electronics' WilsonPro signal booster products to dealers and distributors and also managed commercial sales representatives and account managers.

9. In 2015, I also started my own company, Modern Edge Investments which I continue to oversee. That company is not involved in signal boosters or electronics.

10. In January 2018, I began my employment at SureCall. In my role as Vice President of Business Development, I am responsible for acquiring and managing new customer relationships and identifying additional markets and/or verticals to drive new business. I also provide market feedback to SureCall's leadership regarding competitive offerings, and suggest ideas regarding potential product development. I have additional responsibilities that include working with the operational team on product manufacturing and supply chain strategy.

11. Accordingly, I have been intimately involved in the cell phone signal booster industry from 2006 to the present except for the period between January 2017 and January 2018.

12. I have seen first-hand the progression of cell phone signal booster technology from roughly the inception of the product category through the highly

advanced products available today. My work responsibilities required me to closely track and understand the features, capabilities, success, and failures of virtually all cell phone signal booster products available on the market from 2006 to the present. I have also spoken with representatives from each of the major carriers, employees for the cell phone signal booster manufacturers, dozens of cell phone signal booster distributors, and thousands of end-users throughout my career in the cell phone signal booster industry.

13. For years, major cell phone carriers have been continuously working towards improving speed of cellular data transmission. The first widely adopted cell phone signal technology was called 2G (short for second generation), which launched in or around 1991. From there, the technology continued to improve and by 1998, 3G (third generation) technology was launched, which had data transmission speeds that were more than 200 times as fast as 2G. 4G LTE technology was yet another improvement. 4G LTE came into existence around 2008, and started to become widely adopted by major carriers, such as Verizon near the end of 2010. AT&T and T-Mobile also had begun widely adopting 4G LTE technology by early 2011.

14. Verizon, AT&T, and T-Mobile, however, were each given by the FCC non-overlapping spectrums in which to operate their 4G LTE technology. Thus, for

example, 4G LTE compatible cell phones that work on the Verizon network will not necessarily work on the AT&T network.

15. Since its introduction, 4G LTE has been widely popular in the United States, and continues to be the predominant technology even today.

LONG-FELT NEED OF THE CLAIMED 5-BAND TECHNOLOGY

16. From 2008 through early 2011, commercially available cell phone signal boosters only boosted 2-bands, the talk and text bands of the 2G and 3G networks. As 4G LTE technology became more widespread, there became a need to create signal booster technology that could also boost the 4G LTE bands, in addition to the traditional 2G and 3G talk and text bands.

17. In the summer of 2011, 4G LTE signal boosters started becoming commercially available. However, those boosters would only boost the 4G LTE signal, and not the 2G and 3G bands. Not until the beginning of 2012, was there a device capable of boosting 3-bands simultaneously – the two bands of 2G/3G and a third band for 4G LTE. But these devices would only boost the 4G LTE signal of a particular carrier. Thus, a customer would have to buy and install a device specifically made to boost 4G LTE for Verizon, or for AT&T, or for T-Mobile.

18. What that meant practically, is that before SureCall's patented invention and the release of its Force5 product covered by its patents, customers interested in boosting cell phone signals for the different networks at the same time

would be required to buy several different signal boosters. This particularly impacted the commercial market, such as large office buildings. More often than not, those customers would use a variety of cell phone carriers, and it would not make sense for those customers to only boost signals for one particular carrier, while offering no solution to users of other cell phone networks. But problematically, a booster that amplified a Verizon 4G LTE signal, might interfere with a booster that amplified an AT&T 4G LTE signal. So even if a customer owned different boosters that were compatible with the different technologies, they could not operate them at the same time due to the interference.

19. Starting at least in 2010 when it was clear the entire cell phone industry was adopting 4G LTE, I, along with several other people in the industry, recognized that having a single booster that could boost the signal for all major carriers simultaneously would be incredibly desirable. In particular, it would allow customers to buy, install, and maintain just a single signal booster unit, and would also allow customers to boost signals for all major carriers at the same time, without risk of interfering signals. I believe that the industry, distributors, and consumers widely shared a desire for a technological advancement that would allow simultaneous boosting of multiple LTE bands. Wilson and others in the industry responded with products that covered several bands. But there was no commercially available signal booster product that could simultaneously boost signals for voice,

text, and 4G LTE signal for all North American cell carriers. My understanding is that the Verizon 4G LTE signals and AT&T 4G LTE signals were too close in frequency and that no company before SureCall had developed a product that could boost both signals at the same time.

PRAISE OF THE PATENTED INVENTION

20. I first learned of SureCall's Force5 through a press release the company issued on April 30, 2012. Attached as Exhibit 2009 is a copy of that press release.

21. The timing of SureCall's announcement was significant because SureCall made it just before the the Cellular Telecommunications Industry Association (CTIA) trade show, in New Orleans, Louisiana. CTIA took place from May 7-10, 2012 and I attended the event. CTIA's annual event is one of the largest, if not the largest, trade shows for cellular telecommunications in the world. Virtually all cell phone signal booster companies, including Wilson Electronics and SureCall, attend that show to showcase their latest and greatest products.

22. Upon learning of SureCall's Force5, I was impressed that SureCall was able to make such a groundbreaking advancement compared to the signal booster technology that existed at the time.

23. From the perspective of my duties at the time as Director of Business Development for Wilson Electronics, I knew that Wilson Electronics had to develop

a competing product with the same capabilities as soon as possible, otherwise it would no longer be competitive.

24. I also recall that others at Wilson Electronics had the same reaction. For example, while at work I noticed that the engineering leadership and top executives of Wilson Electronics appeared to be irritated by SureCall's announcement. In particular, they left an impression on me that they could not believe that another engineering group could make such advancements before Wilson. As Director of Business Development, I viewed the Force5 as a major threat to Wilson Electronics' business competitiveness.

25. Similarly, as part of my duties at Wilson Electronics and now SureCall, I regularly review industry trade journals and magazines. One of the most prominent and well respected industry publications that covers cell phone signal boosters, among other integrated-electronic products, is Commercial Integrator. I find Commercial Integrator's articles to be trustworthy and indicative of industry trends.

26. Every year, Commercial Integrator publishes its BEST Awards (Best Electronics Systems Technologies), which consists of the most outstanding products and services impacting the commercial technology-integration industry. I understand that selections are judged by an unbiased panel of a dozen credible industry leaders, along with the editors of Commercial Integrator, and that special

consideration is given to innovation, functionality, competitive advantages and benefits to the installer.

27. Consistent with my personal impressions of SureCall's Force5, in or around June 2014, I saw that SureCall's Force5 had won Commercial Integrator's 2014 BEST Award. That article noted that "when [the Force5] was first released in 2012, it was the first self-contained cell booster on the market to support 2G, 3G and 4G service for every major carrier." Ex. 2010 at 1. Attached hereto as Exhibit 2010, is a copy of the article referenced in this paragraph.

28. Based on my experience in the cell phone signal booster industry, it is clear that the wide-ranging praise that SureCall's Force5 received, including by Commercial Integrator, is due to SureCall's patented 5-band technology, allowing it to simultaneously boost signals for voice, text, and 4G LTE signal for all North American cell carriers.

FAILURE OF OTHERS

29. Although the industry recognized the need for a device boosting signals simultaneously multiple carriers since at least 2010, the sentiment in the industry, and at Wilson, was that technological challenges made that unfeasible. The main challenge was that the existing technology that could boost 4G LTE for AT&T would interfere with the existing technology that could boost 4G LTE signals for Verizon. So those two types of boosters could not be operated near each other, such

as in the same building. For those same reasons, manufacturers were unable to figure out how to house a booster that could boost 4G LTE on Verizon and AT&T in the same unit.

30. However, on or shortly after April 30, 2012, I became aware that SureCall had developed the Force5, the industry's first self-contained 5-band amplifier that could simultaneously boost 4G LTE bands for Verizon, AT&T, and T-Mobile.

31. Recognizing that Wilson Electronics needed a similar device to stay competitive, we announced the introduction of Wilson's AG Pro-Quint Selectable on May 8, 2012 – coinciding with one of the first days of the 2012 CTIA conference. We made this announcement even though the design and manufacture of the device was not complete at that time. As noted in a press release by WPSAntennas, I said "The AG Pro-Quint is the most technologically advanced signal booster Wilson has ever produced, with coverage enhancement for five frequency bands integrated in a single device Despite this sophistication, it's by far the most compact, affordable and easiest-to-install booster in its class." Ex. 2011 at 1. Attached hereto as Exhibit 2011 is a copy of the press released referred to in this paragraph.

32. After we made the announcement regarding Wilson Electronics' AG Pro-Quint, it took Wilson Electronics six additional months to commercially release that device. When it was released in January 2013, that device still *could not*

simultaneously boost AT&T and Verizon signals. That meant the user would have to specifically, manually select on the device only one of Verizon or AT&T to be boosted. Attached hereto as Exhibit 2012 is the manual for Wilson Electronics' AG Pro-Quint selectable. Page 12 shows that a particular band must be individually selected in order to amplify that band. Thus, it failed to deliver the feature that made the Force5 desirable in the market – the simultaneous amplification of AT&T and Verizon 4G LTE bands.

COMPETITOR COPYING OF SURECALL'S 5-BAND TECHNOLOGY

33. As part of my duties at Wilson Electronics and now at SureCall, I monitor competitive products.

34. Shortly after SureCall's Force5 became commercially available, which I understand occurred May 2012, shortly after CTIA 2012, Wilson Electronics acquired a SureCall Force5 device to give to its engineering team to test and evaluate for competitive analysis. Our regular practice at Wilson Electronics was to acquire significant competitive products for analysis and comparison to Wilson Electronics' products. The Force5 was one of the most significant products in the industry at that time and I recall the heavy interest at Wilson to obtain the Force5 because it was capable of simultaneous 5-band amplification.


35. It took Wilson Electronics until February 2014 before it released its first-ever device which was capable of simultaneous 5-band amplification.

36. Wilson Electronics also advertises, and has advertised, the above listed products by specifically touting their abilities to work with all phones & cellular devices including all major US carriers.

37. Therefore, SureCall's highly innovative and patented 5-band technology has spurred significant amounts of competitor copying.

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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/21/18



Laine Matthews