

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner

v.

ROVI GUIDES, INC.
Patent Owner

Patent No. 7,937,394
Filing Date: August 2, 2010
Issue Date: May 3, 2011

Title: METHOD AND SYSTEM FOR DYNAMICALLY PROCESSING
AMBIGUOUS, REDUCED TEXT SEARCH QUERIES AND HIGHLIGHTING
RESULTS THEREOF

Inter Partes Review No.: IPR2019-00291

Declaration of Daniel R. McNeely

I, DANIEL R. MCNEELY, declare as follows:

1. I am a member of the Bars of the District of Columbia and the State of Illinois and am an associate with the law firm of Winston & Strawn LLP, attorneys for Respondent, Comcast Cable Communications, LLC (“Comcast”), in the ongoing U.S. International Trade Commission Investigation No. 337-TA-1103 styled *In the Matter of Certain Digital Video Receivers and Related Hardware and Software Components* (“ITC Investigation”) involving Complainant, Rovi Guides, Inc. (“Rovi”) and its U.S. Patent No. 7,779,011. Winston & Strawn LLP also represents Comcast in the ongoing Southern District of New York District Court Case against Rovi, Case No. 1:16-cv-09278-JPO.

2. I submit this declaration to provide supplemental evidence regarding the exhibit labeled as Ex. 1015, Ex. 1115, Ex. 1215, or Ex. 1315 (“Bovik Opening Report”), which contains redacted excerpts from the “Expert Report of Alan Bovik, Ph.D. regarding Infringement of U.S. Patent Nos. 7,779,011 and 7,937,394,” submitted in the ITC Investigation on July 2, 2018. I have personal knowledge of the facts set forth in this declaration, and, if called to testify as a witness, could and would do so competently.

3. The Bovik Opening Report is a true and accurate copy of redacted excerpts from the full Expert Report of Alan Bovik, Ph.D. regarding Infringement

of U.S. Patent Nos. 7,779,011 and 7,937,394. The excerpts have been redacted to remove confidential business information.

4. The original document is titled “Expert Report of Alan Bovik, Ph.D. regarding Infringement of U.S. Patent Nos. 7,779,011 and 7,937,394” and included 187 pages.

5. The excerpts comprised in the Bovik Opening Report contain the cover page, pages 1-2, and 75-80 of the full Expert Report of Alan Bovik, Ph.D. regarding Infringement of U.S. Patent Nos. 7,779,011 and 7,937,394.

6. The original document included confidential business information of the parties to the ITC Investigation. The Bovik Opening Report contains no confidential information. All confidential business information has been redacted from the Bovik Opening Report.

7. Additionally, I submit this declaration to provide supplemental evidence regarding the exhibit labeled as Ex. 1016, Ex. 1116, Ex. 1216, or Ex. 1316 (“Bovik Rebuttal Report”), which contains excerpts from the “Rebuttal Expert Report of Alan Bovik, Ph.D. regarding Validity of U.S. Patent Nos. 7,779,011 and 7,937,394,” submitted in the ITC Investigation on July 25, 2018. I have personal knowledge of the facts set forth in this declaration, and, if called to testify as a witness, could and would do so competently.

8. The Bovik Rebuttal Report is a true and accurate copy of redacted excerpts from the full document titled, “Rebuttal Expert Report of Alan Bovik, Ph.D. regarding Validity of U.S. Patent Nos. 7,779,011 and 7,937,394.” The excerpts have been redacted to remove confidential business information.

9. The original document is titled “Rebuttal Expert Report of Alan Bovik, Ph.D. regarding Validity of U.S. Patent Nos. 7,779,011 and 7,937,394” and included 85 pages.

10. The excerpts comprised in the Bovik Rebuttal Report contain the cover page, page 1, and pages 76-81 of the full Rebuttal Expert Report of Alan Bovik, Ph.D. regarding Validity of U.S. Patent Nos. 7,779,011 and 7,937,394.

11. As noted in the footer, the original document included highly confidential attorneys’ eyes only information of the parties to the ITC Investigation. The Bovik Rebuttal Report contains no confidential information. All highly confidential attorneys’ eyes only information has been redacted from the Bovik Opening Report.

12. Additionally, I submit this declaration to provide supplemental evidence regarding the exhibit labeled as Ex. 1027, Ex. 1127, Ex. 1227, or Ex. 1327 (“Bovik Transcript”), which is a true and correct copy of Excerpts from the August 7, 2018, Deposition Transcript of Dr. Alan C. Bovik in the ITC Investigation.

13. The excerpts comprised in the Bovik Transcript contain pages 1-4, 65-84, 157-172, 225-232, and 281-300 of the full August 7, 2018, Deposition Transcript of Dr. Alan C. Bovik.

14. As noted in the header, the original document included highly confidential source code, attorneys' eyes only information, and confidential business information of the parties to the ITC Case. The Bovik Transcript contains no confidential information. All highly confidential attorneys' eyes only information has been redacted from the August 7, 2018, Deposition Transcript of Dr. Alan C. Bovik.

15. Additionally, I submit this declaration to provide supplemental evidence regarding the exhibit labeled as Ex. 1017, Ex. 1117, Ex. 1217, or Ex. 1317 ("Markman Order"), which contains "Order No. 41: Construing Certain Terms of the Asserted Claims of the Patents at Issue (*Markman* Claim Construction)," issued in the ITC Investigation on October 15, 2018. I have personal knowledge of the facts set forth in this declaration, and, if called to testify as a witness, could and would do so competently.

16. The Markman Order is a true and accurate copy of the full document titled, "Order No. 41: Construing Certain Terms of the Asserted Claims of the Patents at Issue (*Markman* Claim Construction)." The Markman Order contains no confidential information.

17. Additionally, I submit this declaration to provide supplemental evidence regarding the exhibit labeled as Ex. 1018, Ex. 1118, Ex. 1218, or Ex. 1318 (“Markman Hearing Transcript”), which is a true and correct copy of the October 6, 2018, Transcript of a teleconference with the Administrative Law Judge in the ITC Investigation. I have personal knowledge of the facts set forth in this declaration, and, if called to testify as a witness, could and would do so competently. The Markman Hearing Transcript contains no confidential information.

18. All of the statements made in this declaration of my own knowledge are true. All statements made based on information and belief are believed to be true. Further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code.

Date: November 12, 2018

Signature: / Daniel R. McNeely /

Daniel R. McNeely