

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASM IP HOLDING B.V.

Petitioner,

v.

KOKUSAI ELECTRIC CORPORATION

Patent Owner.

Case No. TBD

U.S. Patent 7,808,396

DECLARATION OF BRIDGET A. SMITH

ASM Ex. 1013

IPR Petition - USP 7,808,396

1. I am a partner at Knobbe Martens Olson & Bear LLP, of counsel for Petitioner ASM IP Holding B.V. Unless otherwise stated, I have personal knowledge of the following facts and, if called upon, I could and would testify competently to them.

Webpage for merriam-webster.com

2. With my Firefox web browser, I navigated to the website <https://www.merriam-webster.com>. I entered “condition” into the search field. I was presented with a file having the URL <https://www.merriam-webster.com/dictionary/condition>. When I attempted to print a the file, I found that the print preview revealed formatting problems and advertisements that made reading the print preview difficult. I selected the “Simplify Page” option in the print preview and printed the file. Exhibit 1010 is a true and correct copy of the printed file, including the configured header and footer.

Internet Archive (“The Wayback Machine”)

3. I am aware that the Internet Archive is a website that provides access to a digital library of Internet sites in digital form.

4. The Internet Archive website includes a web page (<https://archive.org/legal/affidavit.php>) with a copy of an unsigned “Standard Affidavit.” The web page purports to explain what the Internet Archive is, provide background on the Internet Archive’s Wayback Machine, and summarize how archived files viewable

and browseable by the Wayback Machine are compiled and how the Internet Archive assigns a URL on its site to the archived files. I printed a copy of the web page with my web browser. Exhibit 1014 is a true and correct copy of the printout, including the configured header and footer.

5. Exhibit 1014 states that the Internet Archive assigns a URL on its site to the archived files in the format `http://web.archive.org/web/[Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]/[Archived URL]`. Thus, according to the Internet Archive website, the Internet Archive URL `http://web.archive.org/web/19970126045828/http://www.archive.org/` would be the URL for the record of the Internet Archive home page HTML file (`http://www.archive.org/`) archived on January 26, 1997 at 4:58 a.m. and 28 seconds (1997/01/26 at 04:58:28). Ex. 1014.

Webpages for fabsurplus.com

6. With my web browser, I navigated to the Internet Archive website, `https://archive.org`. I entered “fabsurplus.com” into the search field. I was presented with a display of available dates. I clicked on the box labeled “2004.” I clicked on the circle for November 30, 2004, and I was presented with a file having the URL `https://web.archive.org/web/20041130142122/http://www.fabsurplus.com:80/`. I printed a copy of the file with my web browser. Exhibit 1015 is a true and correct copy of the printed file, including the configured header and footer.

7. Within that file, I clicked on the link labeled “Equipment For Sale by SDI Group.” I was presented with a file having the URL https://web.archive.org/web/20041204090504/http://www.fabsurplus.com:80/equip_sale.html. I printed a copy of the file with my web browser. Exhibit 1016 is a true and correct copy of the printed file, including the configured header and footer.

Webpages for specequipment.com

8. With my web browser, I navigated to the Internet Archive website, <https://archive.org>. I entered “specequipment.com” into the search field. I was presented with a display of available dates. I clicked on the box labeled “2004.” I clicked on the circle for July 25, 2004, and I was presented with a file having the URL <http://web.archive.org/web/20040724054947/http://www.specequipment.com:80/home.html>. I printed a copy of the file with my web browser. Exhibit 1017 is a true and correct copy of the printed file, including the configured header and footer.

9. Within that file, I clicked on the link labeled “Current Inventory,” hereinafter referred to as the “Current Inventory Page.” I was presented with a file having the URL <http://web.archive.org/web/20040907232356/http://www.specequipment.com:80/inventory/index.html>. I printed a copy of the file with my web browser. Exhibit 1018 is a true and correct copy of the printed file, including the configured header and footer.

10. Within the Current Inventory Page, I clicked on a first link labeled “KLA-Tencor P20H Long Scan Profiler.” I was presented with a file having the URL <http://web.archive.org/web/20040908044251/http://www.specequipment.com:80/products/000273.html>. I printed a copy of the file with my web browser. Exhibit 1019 is a true and correct copy of the printed file, including the configured header and footer.

11. I navigated back to the Current Inventory Page with my browser’s back button. Within the Current Inventory Page, I clicked on a second link labeled “KLA-Tencor P20H Long Scan Profiler.” I was presented with a file having the URL <http://web.archive.org/web/20040908044311/http://www.specequipment.com:80/products/000278.html>. I printed a copy of the file with my web browser. Exhibit 1020 is a true and correct copy of the printed file, including the configured header and footer.

Webpages for tencor.com

12. With my web browser, I navigated to the Internet Archive website, <https://archive.org>. I entered “tencor.com” into the search field. I was presented with a display of available dates. I clicked on the box labeled “1996.” I clicked on the circle for December 29, 1996, and I was presented with a file having the URL <https://web.archive.org/web/19961229182640/http://www.tencor.com:80/>. I

printed a copy of the file with my web browser. Exhibit 1021 is a true and correct copy of the printed file, including the configured header and footer.

13. Within that file, I clicked on the link labeled “Literature & Comments.” I was presented with a file having the URL <https://web.archive.org/web/19970302032823/http://www.tencor.com:80/requestlit.html>. I printed a copy of the file with my web browser. Exhibit 1022 is a true and correct copy of the printed file, including the configured header and footer.

Webpages for ncsu.edu

14. With my web browser, I navigated to <https://repository.lib.ncsu.edu/handle/1840.16/4640?show=full>. I printed a copy of the file with my web browser. Pages 199–202 of Exhibit 1024 are a true and correct copy of the printed file, including the configured header and footer.

Conclusion

15. I 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

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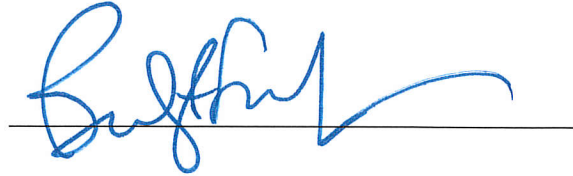
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statements and the like so made are punishable by fine or imprisonment, or both,
under Section 1001 of Title 18 of the United States Code.

Executed on November 30, 2018



Bridget A. Smith
Irvine, California

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