

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. 7,200,855

Filing Date: May 24, 2001

Issue Date: April 3, 2007

Title: METHOD AND APPARATUS OF MULTIPLEXING A
PLURALITY OF CHANNELS IN A MULTIMEDIA SYSTEM

Inter Partes Review No.: IPR2020-00787

DECLARATION OF STEPHEN G. KUNIN, ESQ.

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND AND QUALIFICATIONS	2
III.	Documents Considered	8
IV.	PRELIMINARIES	8
V.	OPINIONS REGARDING Exhibit 1006: Public Availability of PCI Local Bus Specification, Revision 2.2, PCI Special Interest Group, December 18, 1998 (“PCI”)	10
A.	The PCI Document was Disclosed in an IDS filed in the Patent Application that issued as U.S. Patent No. 6,218,864, and the File History of the ’864 Patent Contains an Authentic Copy of the PCI Document Referenced in the IDS.....	10
B.	Public Accessibility as of April 17, 2001 of the PCI Included in the File History of U.S. Patent No. 6,218,864	15
VI.	SUMMARY OF OPINION	17
VII.	CONCLUSION.....	17

I, Stephen G. Kunin, hereby declare under penalty of perjury:

I. INTRODUCTION

1. I reside in Fairfax, Virginia.

2. I have been retained by Banner Witcoff, Ltd. on behalf of COMCAST CABLE COMMUNICATIONS, LLC (“Petitioner”), to provide testimony regarding patent policy, practice and procedure in the United States Patent Office (“USPTO”) and in particular how that relates to the prosecution of patents, the creation of file histories and the public accessibility of documents included in the file histories. I have been asked to render an opinion regarding the public accessibility and public availability of a document entitled “PCI LOCAL BUS SPECIFICATION, REVISION 2.2, DECEMBER 18, 1998” (Ex. 1016) cited in U.S. Patent No. 6,218,864 (“the ‘864 Patent”, Ex. 1011).

3. I understand that the parties are presently engaged in litigation involving at least U.S. Patent No. 7,200,855 (“the ‘855 Patent”, Ex. 1001) before the International Trade Commission (337-TA-1158), and a California District Court (*Rovi Guides, Inc. v. Comcast Corporation, et al.*, U.S. District Court for the Central District of California, Case No. 2:19-cv-03096 (C.D. Cal.)). My declaration is being provided in connection with one or more *inter partes* review petitions against Rovi before the Patent Trademark and Appeal Board (“PTAB”) involving the ‘855 Patent.

4. The Maier & Maier, PLLC law firm is being compensated for my work

on this matter at the usual billing rate of 875.00 per hour that it charges for my service as a testifying declarant in IPR proceedings. My compensation does not depend upon my opinions or testimony as set forth herein, or the outcome of this matter.

5. I have personal knowledge of the facts and opinions set forth in this declaration, I believe them to be true, and if called upon to do so, I would testify competently about them. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001.

II. BACKGROUND AND QUALIFICATIONS

6. I am currently a Partner with the law firm Maier & Maier, PLLC (“Maier”) located at 345 South Patrick Street, Alexandria, Virginia 22314. I specialize in USPTO patent policy, practice and procedure. My expertise includes post-issuance proceedings at the United States Patent Office, opinions of counsel, advising attorneys and clients on complex patent prosecution matters, strategic counseling of clients, and consulting on United States Patent Office patent policy, practice and procedure.

7. Prior to working for Maier and Maier, I was a Partner and Senior-Counsel with the law firm, Oblon, McClelland, Maier & Neustadt, L.L.P. (“Oblon”) from November 2004 to July 1, 2018. Oblon is located at 1940 Duke Street, Alexandria, VA 22314. While at Oblon, I served as a patent consultant on the practice and procedures of the USPTO for attorneys in and for clients of the Oblon

firm, and I chaired the Oblon law firm's General Counsel Committee. I also served as a member of the firm's Management Committee as its General Counsel. Also, I served as an expert witness on U.S. Patent Office patent policy, practice, and procedure, when called upon to do so.

8. Additionally, from January 1, 2005 through July 2017, I served as the Director of the J.D. and L.L.M. Intellectual Property Law Programs at the George Mason School of Law where I also served as an adjunct law professor teaching patent law and intellectual property law courses.

9. I completed my undergraduate studies at Washington University in 1970 with a B.S. degree in Electrical Engineering. I attended the National Law Center of the George Washington University, receiving my Juris Doctor in law with honors in May of 1975. I am a member of the Virginia State Bar and the Bars of the Court of Appeals for the Federal Circuit and Supreme Court of the United States. I am registered to practice as a patent attorney before the U.S. Patent and Trademark Office.

10. From 1994 through October 2004, I served as the Deputy Commissioner for Patent Examination Policy in the Office of the Commissioner for Patents in the United States Patent and Trademark Office. From 1994 to 2000, my position was originally entitled: Deputy Assistant Commissioner for Patent Policy and Projects in the Office of the Assistant Commissioner for Patents. On March 29,

2000, my position was renamed: Deputy Commissioner for Patent Examination Policy. In my ten years as Deputy Commissioner for Patent Examination Policy, I participated in the establishment of patent policy for the various Patent Organizations under the Commissioner for Patents, including changes in patent practice and patent examiner guidelines as set forth in the MPEP, revision of rules of practice and procedures, and establishment of examining priorities and classification of technological arts. I also oversaw the operations of the Office of Patent Legal Administration, Patent Cooperation Treaty Legal Administration, and the Office of Petitions.

11. As the Deputy Commissioner for Patent Examiner Policy, my duties included providing staff assistance in establishing patent examination and documentation policy standards for the Commissioner for Patents; providing direction on establishment of new rules, practices and procedures; reviewing and revising the Manual of Patent Examining Procedure; serving as the deciding official for petitions on patent matters, orders for reexamination, Patent Quality Review appeals, requests for reconsideration of the Board of Patent Appeals and Interferences, and review of actions by the Patent Quality Review; and providing administrative oversight and coordinating the activities of the Office Petitions, the Office of Patent Legal Administration, and the Office of Patent Cooperation Treaty Legal Administration.

12. Before my appointment to the position of Deputy Commissioner for Patent Examination Policy, I served as the Deputy Assistant Commissioner for Patents from 1991 to 1994 officially and from 1989 to 1991 on an acting basis. As Deputy Assistant Commissioner for Patents, I was responsible for supervising the Patent Examining Group Directors and for managing the Patent Examining Corps. I also had oversight responsibility for the Search and Information Resources Administration that included the Office of Patent Classification and the Office of Patent Program Control that included the Patent Academy. For the majority of 1993, I also was appointed the Acting Assistant Commissioner for Patents by then Secretary of Commerce, Ronald Brown.

13. From 1983 to 1989, I managed patent examining groups. On an acting basis in 1982 until being named Group Director in 1983, I directed the Manufacturing Technologies Examining Group 320. In 1984, I formed the Telecommunications, Measuring and Testing Examining Group 260 and became its first Group Director. I note that U.S. Patent No. 7,200,855 was examined in Technology Center 2600, which was formerly known as Group 260. I also chaired the Patent Academy Curriculum Committee.

14. I also served for nine years as an Examiner in the Patent and Trademark Office (1970–1979) and for an additional three years as a Supervisory Primary Examiner (“SPE”) (1979–1982). In the latter capacity, I ran the Patent Academy

and trained and instructed assistant examiners in the examination of patent applications and served as an Instructor at the Patent Academy of the Patent and Trademark Office. As both a patent examiner and SPE, I performed or supervised the work required to be performed by the examiner to (1) examine originally filed patent applications; and (2) examine continuing applications, including continuations, continuations-in-part, and divisionals as well as handling *ex parte* reexaminations of granted patents. This work also included performing searches of the prior art, preparing office actions and considering information disclosure statements submitted by patent applicants.

15. I have considerable direct experience in reviewing the work of patent examiners to determine whether they followed existing patent policies, practices, and procedures and performed examinations of the required quality. This experience came as a result of my serving as Deputy Commissioner for Patent Examination Policy, a Patent Examining Group Director, and a Supervisory Primary Examiner. As a Group Director and a Supervisory Primary Examiner, I was often called upon to review the work of examiners in Groups 320 and 260 to determine whether those examiners were sufficiently competent to be granted signatory authority. Such reviews included a review of the entire prosecution history of an allowed or pending application to determine whether the invention was understood by the examiner, whether relevant references were properly applied, whether patent policies,

practices, and procedures were properly followed and whether the allowed claims were patentable over the art of record. Also, while serving as Deputy Commissioner for Patent Examination Policy, I decided appeals on patent quality-reviewed applications where there was a disagreement between the Office of Patent Quality Review¹ and a Patent Examining Group as to whether prosecution on the merits of a reviewed application should be reopened. I also reviewed and approved requests for reconsideration by a Patent Examining Group Director of an adverse panel decision from the Board of Patent Appeals and Interferences (BPAI), and determined whether a Director Ordered Reexamination of an issued patent should be instituted.

16. I have significant knowledge of practices and procedures concerning the criteria for (1) planning and executing patent searches as set forth in MPEP §§ 904.02-904.03, (2) using Scientific and Technical Information Service described in MPEP § 901.06(a)-and (3) evaluating printed publications as prior art as contained in MPEP §§ 2128-2128.02. This experience comes in significant part as a result of my having oversight responsibility of the Manual of Patent Examining Procedure that specifically includes these MPEP sections from 1994–2004 when I served as the Deputy Assistant Commissioner for Patent Policy and Projects and the Deputy Commissioner for Patent Examination Policy as well as from my work at the USPTO as a patent examiner and Supervisory Patent Examiner.

¹ The OPQR is now known as the Office of Patent Quality Assurance (OPQA).

17. I have considerable experience in reviewing patent prosecution histories, including specifications and interpreting claim language, as a result of the positions I held at the U.S. Patent Office for more than 34 years and as an attorney in private practice for more than fifteen years.

18. My qualifications and credentials are also set forth in my *curriculum vitae*, attached hereto as Appendix A.

III. DOCUMENTS CONSIDERED

19. In formulating my opinions, I have reviewed and considered all of the documents cited herein, including those listed below.

Exhibit #	Description
Ex. 1001	U.S. Patent 7,200,855
Ex. 1003	File History of U.S. Patent No. 7,200,855
Ex. 1006	PCI Specification Rev. 2.2 (“PCI”)
Ex. 1011	U.S. Patent 6,218,864
Ex. 1007	Donath Vu Declaration

IV. PRELIMINARIES

20. I am rendering my expert opinion on United States Patent Office Policy Practice and Procedure regarding the availability and accessibility of documents referenced in the specification of U.S Patent No. 6,218,864 as well as on its front page, and on information disclosure statements contained in the ‘864 Patent file

history.

21. I also render my expert opinion relying on the declaration of Mr. Donath Vu on the documents referenced herein and on when and how each of these documents was made available to the public upon issuance of the '864 Patent.

22. As it pertains to U.S. patents, file histories and the materials cited therein, it is my experience that these materials are records created by the USPTO in the ordinary course of business. The file history, also known as a file wrapper or prosecution history -- is a record of all communications and documentations involved in the patent prosecution or patent examination processes. These records are created by the Patent Office with the expectation that members of the public will access them. *See* MPEP §§ 101 and 103. The Patent Office creates an electronic file record to facilitate access to materials contained in the file history. The electronic file record in which the U.S. Patent and Trademark Office maintains the application papers is referred to as an image file wrapper. *See* MPEP § 103(I). The electronic file record, if it exists, is the official record of the application. The file record is accessible from the website <https://portal.uspto.gov/pair/PublicPair>.

V. OPINIONS REGARDING EXHIBIT 1006: PUBLIC AVAILABILITY OF PCI LOCAL BUS SPECIFICATION, REVISION 2.2, PCI SPECIAL INTEREST GROUP, DECEMBER 18, 1998 (“PCI”)


A. The PCI Document was Disclosed in an IDS filed in the Patent Application that issued as U.S. Patent No. 6,218,864, and the File History of the ‘864 Patent Contains an Authentic Copy of the PCI Document Referenced in the IDS

23. Exhibit 1006 (“PCI”) is a document titled: “PCI Local Bus Specification, Revision 2.2, December 18, 1998.”

24. In forming my opinion, I reviewed the Declaration of Donath Vu (Ex. 1007). Mr. Vu is a patent searcher who obtained from the USPTO’s File Information Unit (FIU) a copy of the PCI document (Ex. 1006) contained in the file history of the ‘864 Patent. I also reviewed the Appendices attached to Mr. Vu’s Declaration. The Vu appendices includes a copy of the file history in Appendix A for the ‘864 Patent, and Appendix B includes a copy of the PCI document. Mr. Vu stated in his declaration that Appendix B was a true and correct copy of the PCI document obtained from the USPTO’s FIU.

25. I also reviewed the ‘864 Patent (Ex. 1011).

26. Upon reviewing the file history attached to Mr. Vu’s declaration, I found the USTO’s Form 1449 which is an Information Disclosure Statement (“IDS”) filed by the Applicant. On page 32 of the IDS, under the heading “OTHER DOCUMENTS”, the Applicant identified the PCI Specification as “‘PCI Local Bus Specification’, PCI Special Interest Group, Revision 2.2, December 18, 1998.”

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)		
	AO	"PCI Local Bus Specification", PCI Special Interest Group, Revision 2.2, December 18, 1998.

Taken from page 32 of 52 of the '864 Patent file history (Ex. 1007 at 36)

27. This entry on the IDS form corresponds to the information on the front cover of Ex. 1006. The front cover of Ex. 1006 includes the full title of the document, the revision number and date. The second page of Ex. 1006 identifies the publisher – the PCI Special Interest Group.

28. Applicant's IDS is the only one included in the file history for the '864 Patent. The reference to "PCI Revision 2.2 specification from PCI Special Interest Group" in the '864 Patent, in my opinion, refers to the PCI document cited in the IDS. It appears that the Applicant merely used an abbreviated title, however, the same revision number and publisher remain.

29. The upper right corner of the first page of Ex. 1006 and the IDS include matching stamps, which are reproduced below:



Stamp on Ex. 1006



Stamp on IDS in '864 Patent

file history

30. The above date stamps show “U. S. PTO,” which identify the documents as originating from the USPTO’s file history of the ’864 Patent, the number “09/370854” (the “’854 application”) is the U.S. Patent Application Number of the patent application that issued as the ’864 Patent, and the date “08/10/99,” is the filing date of the ’854 application.

31. The file history (Ex. 1011) includes on page 6, the “UTILITY PATENT APPLICATION TRANSMITTAL” sheet. The application transmittal sheet is a required cover page for all patent application filings. The transmittal sheet identifies, among other things, the documents that accompany the application for patent. These transmittal sheet pages indicates at check box 11 (reproduced below) that an IDS was submitted along with the patent application as filed and that a copy of the references cited in the IDS were included with the IDS.

Portion of Transmittal on page 6 of 52 of the '864 Patent file history

(Ex. 1006 at 10).

32. The file history (Ex. 1011) on page 2 is titled "CONTENTS". This page includes a list of the documents exchanged between the Patent Office and the Applicant. The documents were either prepared by the Patent Office itself or sent by the applicant to the USPTO. The dates on which the documents were received or mailed is shown alongside the type of document submitted. A total of seven documents are listed. The first two entries show that the USPTO received the '854 patent application (which included three papers) and an IDS on August 10, 1999 which is the date the '854 patent application was filed.

		Date received (Incl. C. of M.) or Date Mailed
1.	Application <u>3</u> papers.	
2.	<u>I.D.S.</u>	<u>8-10-99</u>
3.	<u>change of Address</u>	<u>07/27/00</u>
4.	<u>PTO-37 (S)</u>	<u>11/16/00</u> ND
5.	<u>SUPPLEMENTA PTO37</u>	<u>1-25-01</u>
6.	<u>3201 (Molt A)</u>	<u>12-4-00</u>
7.	<u>PTO-271</u>	<u>3/12/01</u> ^{ma}
8.		

Portion of Transmittal Sheet on page 2 of 52 of the '864 Patent file history

(Ex. 1007 at 6).

33. Based upon my review of the file history of the '864 Patent I have determined:

- a. that a single IDS was filed with the original '854 application (Ex. 1007 at 6),
- b. that the IDS cites the “‘PCI Local Bus Specification’, PCI Special Interest Group, Revision 2.2, December 18, 1998” (Ex. 1007 at 36), and
- c. that the PCI document (Ex. 1006) is included as part of the file history of the '864 Patent and includes a matching title, revision number, date, and publisher.

I conclude that the PCI document cited in the IDS, referenced on the front cover of the '864 Patent and contained in the file wrapper are the same.

34. Relying upon my experience with how documents are handled within

the USPTO and my familiarity with patent office policy, practice and procedure, I conclude Ex. 1006 relying on the analysis and opinion of Mr. Vu is an authentic copy of the same document referenced in the IDS, that the IDS and Ex. 1006 were submitted with the '854 application when filed on August 10, 1999. Consequently, regarding the PCI document disclosed in an IDS, it is my opinion relying on the analysis and opinion of Mr. Vu that the file history contains an authentic copy of the same document referenced in the IDS.

B. Public Accessibility as of April 17, 2001 of the PCI Included in the File History of U.S. Patent No. 6,218,864

35. The USPTO makes the file histories of U.S. patents open to the public on the date the patent is granted. 37 C.F.R. § 1.11(a).² Consequently, in this case

² The specification, drawings, and all papers relating to the file of: A published application; a patent; or a statutory invention registration are open to inspection by the public, and copies may be obtained upon the payment of the fee set forth in § 1.19(b)(2). If an application was published in redacted form pursuant to § 1.217, the complete file wrapper and contents of the patent application will not be available if: The requirements of paragraphs (d)(1), (d)(2), and (d)(3) of § 1.217 have been met in the application; and the application is still pending. See § 2.27 of this title for trademark files.

the file history for U.S. Patent No. 6,218,864, which includes Ex. 1006, became publicly available on April 17, 2001, the date the '864 Patent was granted.

36. Any member of the public could obtain a paper or CDROM copy of the file history by ordering the file history from the USPTO's Certified Copy Center webpage: <https://certifiedcopycenter.uspto.gov/published.html>. Should the file history not be available electronically, any member of the public can order from the USPTO the patent file wrapper for a flat fee. Below is an example of the relevant portion of that Certified Copy Center webpage that facilitates public access to file histories from the USPTO:

Patent file wrapper	Paper	Paper	25 days	Mail	\$ 305
	Paper	CDROM	25 days	Mail	\$ 55
	Electronic	CDROM	25 days	Mail	\$ 55
	None	Paper	25 days	Mail	\$ 55
	Electronic	IMAGE FILE	25 days	Internet delivery	\$ 55
	None	CDROM	25 days	Mail	\$ 55
	None	Paper	25 days	Mail	\$ 280

37. The file wrapper contains the record of communications between the applicant and the patent examiner. The file wrapper obtained from the USPTO File Information Unit includes copies of all non-patent literature references cited by the Examiner, as well as all non-patent literature references cited by the applicant that were submitted on an IDS. Consequently, once the patent issued, any member of the public ordering a copy of the file wrapper on paper or in electronic form could

obtain copies of all non-patent literature references cited on an IDS in the file history.

38. As it pertains to the '864 Patent, as discussed above, the Applicant submitted an IDS that identified the PCI document and a copy of the PCI document (Ex. 1006) on the day the '854 application was filed.

39. In my opinion, and based on U. S. patent practice, procedure and policy, the PCI document which was cited on the front page of the '864 Patent and again in column 1 lines 46-48 of the '864 Patent specification, became available to the public on the same day that the '864 Patent issued, namely on April 17, 2001.

VI. SUMMARY OF OPINION

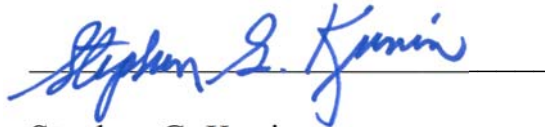
40. Based upon my review of the foregoing evidence, it is my opinion that the PCI document cited within the '864 Patent specification, and disclosed to the USPTO in an IDS would have been available to the public on or about April 17, 2001 – the day that the '864 Patent issued.

VII. CONCLUSION

41. I reserve the right to supplement my opinions in the future to respond to any arguments that Patent Owner or its expert(s) may raise and to consider new information as it becomes available to me regarding the public accessibility of the PCI document from the USPTO.

42. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of April, 2020 in Fairfax, Virginia


Stephen G. Kunin

APPENDIX A

(STEPHEN G. KUNIN CURRICULUM VITAE)

MAIER & MAIER PLLC
345 S. Patrick Street
Alexandria, VA 22314



STEPHEN G. KUNIN is the former Deputy Commissioner for Patent Examination Policy with the U.S. Patent and Trademark Office. He has more than 49 years of expertise in intellectual property rights protection and 27 years of organizational management and leadership experience. He was appointed to his former position in March 2000 and has served in a similar capacity since November 1994, under the position's prior title, "Deputy Assistant Commissioner for Patent Policy and Projects." Previously, beginning in July 1989, Mr. Kunin served as Deputy Assistant Commissioner for Patents. He participated in the establishment of patent policy for the various Patent

Organizations under the Commissioner for Patents, including changes in patent practice, revision of rules of practice and procedures, establishment of examining priorities and classification of technological arts, and oversaw the operations of the Office of Patent Legal Administration, Patent Cooperation Treaty Legal Administration, and the Office of Petitions. Additionally, in January 1993, Mr. Kunin was designated by the Secretary of Commerce to perform the functions of the Assistant Commissioner for Patents on an acting basis until a new Assistant Commissioner for Patents was appointed in 1994.

Mr. Kunin joined the Patent and Trademark Office (PTO) as a patent examiner in June of 1970. In March of 1977, he became a Senior Examiner in a technology of master's level complexity. He became Director of the Manufacturing Group in May of 1983. When a new Electrical Communications examining group (Group 260) was formed in April of 1984, he became its first Group Director.

Mr. Kunin assumed many leadership roles for the Office, including chairing the Patent Examiner Evaluation Board and the Patent Academy Curriculum Committee. Among his responsibilities, in addition to overseeing the Patent Examination Policy activities, he served on the USPTO Management Council, the USPTO Committee on Discipline, and the USPTO Executive Committee. He also coordinated several of the Trilateral Projects under the jurisdiction of the Commissioner for Patents. He has been a guest lecturer at a number of prestigious law schools.

Mr. Kunin, as a Partner, serves as a patent consultant who advises clients on patent prosecution and patent post-grant matters, such as *inter alia*, subject matter eligibility, utility, restriction practice, inventorship, double patenting, petitions, declarations, reissue, reexamination and AIA trials as well as U.S. Patent & Trademark Office policy, practice and procedures matters. He also serves as an expert witness on patent law, policy, practice and procedure. Mr. Kunin also served from 2005-2017 as the Intellectual Property L.L.M. and J.D. Programs Director at the Antonin Scalia School of Law at George Mason University where he was an adjunct professor who taught patent law and intellectual property law classes.³ He is frequently sought out to lecture to external groups on USPTO administrative trials and USPTO patent prosecution practice.

Education:

Mr. Kunin graduated with honors from Washington University in May of 1970 with a B.S. degree in Electrical Engineering. He attended the National Law Center of the George Washington University, receiving his Juris Doctor degree in law with honors in May of 1975. He is a graduate of the Harvard University Kennedy School of Government SMG Program.

Awards:

Mr. Kunin received numerous awards during his career at the USPTO, including four Gold Medals, four Silver Medals and a Bronze medal from the Department of Commerce, a USPTO Career Achievement Award and the Vice President's Reinventing Government Hammer Award. In 2001 he was named by Intellectual Property Today magazine as one of the most influential people in IP law and was the recipient of the Meritorious Executive Presidential Rank Award. In the February 2002 issue of the Practising Law Company's magazine "Global Counsel" he was named as one of the most inspiring regulators in the federal government. In December 2004 he received the IPO Leadership Award. In November 2007 he received the 34th Annual Dr. Joseph Rossman Memorial Award from the Journal of the U.S. Patent and Trademark Office Society. In June 2008 he was ranked by Chambers USA as one of the top Intellectual Property Lawyers. In August 2009 he was selected by his peers for inclusion in the 2010 edition of The Best Lawyers in America® in the specialty of Intellectual Property Law. In August 2010 he was selected by his peers for inclusion in the 2011 edition of The Best Lawyers in America® in the specialty of Intellectual Property Law. In October 2010 he was

³ Mr. Kunin became the IPP Director in January 2005.

named in Washington D.C.'s Best Lawyer's List. In 2011 he was listed as the Top Patent Prosecutor in the Patent Research Review. In March 2011 he was selected by his peers for inclusion in the Best Lawyers in America® for 2011 in the area of Patent Law. He has been recognized in The Legal 500 for 2011 as one of the top patent lawyers. In August 2011 he was selected by his peers for inclusion in the Best Lawyers in America® for 2012 in the area of Patent Law. He has been named as one of the areas top patent attorneys in the 2012 listing of the Legal 500. He is recognized as a key intellectual property attorney in the state of Virginia in the 2012 Chambers USA. He is recommended in the IAM Patent 1000 as an individual practitioner in post-grant procedures. In July 2012 he was nominated by his peers and endorsed by the AIPLA Board of Directors to become a member of the AIPLA Fellows. In August 2012 he was selected by his peers for inclusion in the Best Lawyers in America® for 2013 in the area of Patent Law. In February 2013 Mr. Kunin was awarded the 2012 P.J. Federico Memorial Award by the U.S. Patent and Trademark Office Society. In March 2013 he was selected by his peers for inclusion in the 2013 Edition of The Best Lawyers in America. He is listed as ranked Virginia Intellectual Property attorney in the 2013 edition of Chambers USA. He is listed in the 2013 IAM 1000 national and DC Metro ranking. He is listed as a leading IP lawyer in the United States in the 2013 IP Stars. He has been selected by his peers to be included in the 20th Edition of the 2014 The Best Lawyers in America in the practice area of Patent Law. He has been ranked by IAM 1000 2014 as a top patent attorney. He has been selected to appear in the 2014 Second Edition of IP Stars from Managing IP (MIP) magazine. He is listed as ranked Virginia Intellectual Property attorney in the 2014 edition of Chambers USA. He has been selected by his peers to be included in the 21st Edition of the 2015 The Best Lawyers in America in the practice area of Patent Law. He has been ranked as best lawyer in the Northern Virginia Chambers USA 2015. He has been selected as a 2015 IP Star in Virginia in the Managing IP (MIP) guide. He has been ranked by IAM 1000 2015 as a top patent attorney. He has been selected by his peers to be included in the 22nd Edition of the 2016 The Best Lawyers in America in the practice area of Patent Law. He has been selected to appear in the 2016 Fourth Edition of IP Stars from Managing IP (MIP) magazine. He has been ranked in the Northern Virginia Chambers USA 2016 as Virginia Intellectual Property attorney and has particular strength in representing clients in Post-Grant proceedings. He has been selected by his peers to be included in the 23rd Edition of 2017 The Best Lawyers in America in the practice area of Patent Law. He has been ranked in the Northern Virginia Chambers USA 2017 as Northern Virginia Intellectual Property attorney and has particular strength in representing clients in Post-Grant proceedings. He has been selected by his peers to be included in the 24th Edition of 2018 The Best Lawyers in America in the practice area of Patent Law. He has been ranked by IAM 1000 2018 as a top patent

attorney. He has been selected for a Lawyer Monthly – Expert Witness 2018 Award in recognition of his specialized knowledge and experience within the area of Intellectual Property. He was named in Chambers USA 2018 as one of "America's Leading Lawyers for Business" for Intellectual Property. He was listed in the 2019 Ninth Edition of Best Lawyers in Virginia in the area of Patent Law. He has been ranked as a top 1000 patent lawyer in the 2019 IAM 1000 publication. He has been named as a 2019 IP Star by Managing Intellectual Property Magazine. He has been named in 26th Edition of Best Lawyers in America 2020 for his work in patent law. He has been ranked as a top 1000 patent lawyer in the 2020 IAM 1000 publication.

Memberships:

Mr. Kunin has served on the Editorial Board of the AIPLA Quarterly Law Journal and as an Advisory Committee Member for CASRIP (The Center for the Advanced Studies and Research on Intellectual Property) at the University of Washington's School of Law in Seattle, Washington. He was a Vice-Chair of the IPO U.S. Patent Practice Committee (2005-2008) and was the Vice-Chair of the IPO Patent Law Committee (2011), a former member of the AIPLA's Industry Trilateral Working Group and a member of the Community Patent Review Advisory Board. He was a member of the IP Law 360 Editorial Advisory Board. He is also a member of the LES (Licensing Executives Society), the PTOS (Patent and Trademark Office Society), the AIPLA (American Intellectual Property Law Association), the Federal Circuit Bar Association, the ABA (American Bar Association) and the Giles S. Rich American Inn of Court. He is also a member of the Virginia State Bar and the bars of the Court of Appeals for the Federal Circuit and Supreme Court of the United States. He is registered to practice as a patent attorney before the U.S. Patent and Trademark Office. He was the Vice Chair of the AIPLA Patent Cooperation Treaty Committee and currently serves as a member of the AIA Strategic Task Force and its Post-Grant Practice Committee. He is a member of the IPO's Post-Grant Practice Committee and the ABA, IPL Section Patent Law Committee. He was a member of the AIPLA Committee on Nominations for 2016.

Publications:

Mr. Kunin's publications are as follows:

-“Petitions Practice Within the Patent and Trademark Office on Patent Matters,” *Journal of the Patent and Trademark Office Society*, August 1991

- “Patentability of Computer Program Related Inventions in the United States,” *Journal of Patent and Trademark Office Society*, March 1994, Nov. 1995 and Sept. 1999
- “Intellectual Property: The Engine for Healthcare Changes in the New Millennium,” *Journal of Commercial Biotechnology*, vol. 5 no. 2, Autumn 1998
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