

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| U.S. Patent No.:     | 9,444,868                       |
| Inventor(s):         | Russell W. White, Kevin R. Imes |
| Issue Date:          | September 13, 2016              |
| Appl. No.:           | 14/747,002                      |
| Filing Date:         | June 23, 2015                   |
| Title:               | System to communicate media     |
| Attorney Docket No.: | 2016-NETFLIX-00003              |

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**DECLARATION OF NADER MIR, PH.D. IN SUPPORT OF PETITION FOR  
INTER PARTES REVIEW OF U.S. PATENT NO. 9,444,868**

## **I. INTRODUCTION**

1. My name is Nader Mir. I have been asked to provide opinions regarding certain issues involved in an *Inter Partes* Review (“IPR”) for U.S. Patent 9,444,868 (“’868 patent”) based on my direct experience in the field at the time of the above mentioned patent’s earliest claimed priority date and my expertise in the field overall.

2. I understand that the parties involved in this IPR proceeding are the Petitioner, Netflix, Inc. (“Netflix” or “Petitioner”), and the patent owner, Affinity Labs of Texas, LLC (“Affinity”).

3. For my efforts in connection with the preparation of this declaration, I have been compensated at my standard hourly rate for this type of consulting activity. However, my compensation is not dependent on the outcome of this proceeding. I am not an employee, consultant, or contractor of either party.

4. My compensation is not contingent on reaching any particular findings or conclusions, or on any outcome in the case. The opinions contained in this declaration are mine and are based upon my knowledge, experience and study of the materials discussed below.

## **II. QUALIFICATIONS AND PROFESSIONAL EXPERIENCE**

5. My qualifications are set forth in my *curriculum vitae* (“CV”) (Ex. 1020). I provide a brief summary below.

6. My professional career has spanned more than 30 years. As set forth in my CV, during these years I have gained extensive experience in design, analysis, testing, teaching, research, and performance evaluation in the general fields of telecommunications, wireless networks computer networks, TCP/IP, communications systems, multimedia including voice and video communication and networks.

7. I am currently a professor in the Department of Electrical Engineering at San Jose State University in California and teach courses on telecommunications, wireless networks computer networks, TCP/IP, VoIP and Multimedia Networks.” I was previously the Associate Chairman of the Electrical Engineering Department at San Jose State University. I am also the Director of a number of graduate programs that San Jose State University offers to several high-tech companies, in northern California.

8. I was awarded a Ph.D. degree in Electrical Engineering, with a focus on computer networking and communication systems and protocols, from Washington University in St. Louis in 1995. I received a Master’s of Science (M.Sc.) degree in Electrical Engineering from Washington University in St. Louis in 1990 and my Bachelors of Science (B.Sc.) degree (with honors) in Electrical Engineering from Polytechnic University in 1985.

9. For more than 30 years, I have studied, designed, and worked in the general fields of telecommunications, computer networks and communications systems. Based on my extensive research, engineering, and teaching experience in such fields, I have been recognized as a specialist in the areas of computer and communication networks; networking devices; protocols including (but not limited to) packet switched networks, integrated voice, video, data networks, computer networking, TCP/IP, network server operations, voice over IP (VoIP), content delivery networking (CDN), media streaming including adaptive bitrate streaming (ABS), databases in networks, client/server, public-switched telephone networks (PSTN) and SS7 protocols, telecommunication systems including PSTN and SS7 protocols, wireless networks, networking devices such as switches and routers, network security, and network virtualization, among others.

10. Prior to my current position, I was an assistant professor at the University of Kentucky in Lexington. From 1994 to 1996, I was a research scientist at the Advanced Telecommunications Institute, Stevens Institute of Technology, New Jersey, working on the design of advanced communication systems and high-speed computer networks.

11. From 1990 to 1994, I worked at the Computer and Communications Research Center at Washington University in St. Louis as a research assistant on

the design and analysis of high-speed switching systems and controllers for computer networks.

12. From 1985 to 1988, I worked with Telecommunication Research & Development Center (TRDC), Surrey, as a telecommunications system research & development engineer, participating in the design of a high-speed digital telephone Private Branch Exchange (PBX).

13. I am the named inventor on U.S. patent No. 7,012,895 B1, a switching system for use in high-speed computer networks.

14. I hold several technical editorial positions for various journals, including *IEEE Communication Magazine*. As a Technical Editor of *IEEE Communication Magazine*, I am responsible for accepting or rejecting scientific articles submitted to the journal in the areas of computer networking and communication systems. I am a senior member of the IEEE and have served as a member of the technical program committees and the steering committees for a number of major IEEE communications and networking conferences.

15. I have authored a major textbook, titled *Computer & Communication Networks*, by Pearson Prentice-Hall publisher which is now a standard textbook adopted world-wide for undergraduate and graduate courses in numerous

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