

UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE UNITED STATES PATENT TRIAL AND APPEAL BOARD

NETAPP, INC., LENOVO (UNITED STATES) INC., and EMC CORP.,
Petitioner

v.

INTELLECTUAL VENTURES II, LLC
Patent Owner

Case No.: IPR2017-00467
U.S. Patent No. 6,968,459

DECLARATION OF IAN JESTICE

I, Ian Jestice, do hereby declare and say:

1. I am over the age of twenty-one (21) and competent to make this declaration. I am also qualified to give testimony under oath. The facts and opinions listed below are within my personal knowledge.

2. I am being compensated for my time in this matter at my standard consulting rate of \$325/hr. My compensation in no way depends on the outcome of this proceeding or the content of my opinions. I am not employed by, nor receiving grant support from, the Petitioner in this matter. I am receiving compensation from Petitioner solely for my involvement in this matter and based only on my standard hourly consulting fees.

3. I have been asked to review certain documents, including U.S. Patent No. 6,968,459 (which I refer to as the '459 Patent) (Ex. 1001), and to provide my opinions on what those documents disclose. The documents I was asked to review include those addressed in more detail in the rest of this declaration. I provide my conclusions regarding the disclosures of these documents below. I was also asked to review and provide opinions regarding U.S. Patent Nos. 6,516,442 and 6,633,945, which I understand are also involved in litigation against Petitioner along with the '459 Patent.

4. In addition to the '459 Patent, I have reviewed and am familiar with the following documents:

- a. U.S. Patent No. 5,677,952 to Blakley, III et al. (“Blakley”) (Ex. 1005);
 - b. U.S. Patent No. 7,124,301 to Uchida (“Uchida”) (Ex. 1006); and
 - c. Ian D. Bramhill & Mathew Sims, Copyright in a Digital Age, BT Technol J Vol 15 No 2 (April 1997) (“Bramhill”) (Ex. 1007).
5. I was also asked to provide my opinions on the technical feasibility of combining certain aspects of certain documents, and whether those combinations would have been made from a technical perspective. I have offered my opinions on the feasibility of such combinations in this declaration.

6. I am not offering any conclusions as to the ultimate determinations I understand the Patent Trial and Appeal Board will make in this proceeding. Specifically, I am not offering opinions on ultimate issues of validity or claim construction. I am simply providing my opinion on technical issues, including on the technical aspects of the documents as compared to the claims of the '459 Patent as a factual matter and on the combinability of the concepts disclosed in those documents from a technical perspective.

BACKGROUND

7. I hold the equivalent of an undergraduate degree in Telecommunications and Computer Science from the City and Guilds Institute of London, which I obtained in 1971.

8. As described in more detail in my *curriculum vitae* (Ex. 1003) I have more than 40 years of industry experience with storage devices, embedded software systems for industry and consumer products, and other systems including Flash Memory (Solid State Disks, memory cards, flash drives), Optical Storage (CD, DVD, WORM, Magneto-Optical), Magnetic Storage (Hard Disk, Floppy Disk, Tape), RAID/Disk Arrays and jukeboxes; USB, SCSI, iSCSI, IDE/ATA/ATAPI/SATA, Fibre Channel, PCMCIA, game programming, home appliances and telecommunications.

9. As part of my experience, I have worked as a design and systems engineer at Amdahl Corporation, IBM and Fujitsu, designing, building, testing and supporting computing environments with secure storage devices.

10. I have been familiar with the field of storage devices, specifically secure storage devices, for at least the past 30 years. I have worked with security in the context of storage devices while working for IBM, Amdahl and Fujitsu using IBM's RACF (Resource Access Control Facility) software. Additionally, while working at Zadian, I was involved in the testing of secure storage devices. For these reasons and because of my technical experience and training as outlined in my *curriculum vitae* (Ex. 1003), I believe I am capable of offering technical opinions regarding the '459 Patent and the other documents I reviewed as part of

my work in this matter. I believe I am capable of opining about the state of the art in these areas at various points in time from the early 1970s to the present.

OVERVIEW OF SECURE STORAGE DEVICES

11. Before the introduction of Personal Computers, computer systems were physically secured in locked computer rooms where access was restricted to a few trusted employees. External access to the data was restricted by the limitations of computer network and the cost of the equipment. Data was stored in the secure computer rooms on physically large and heavy media. Consequently the security of the data could be achieved using traditional physical security protocols.

12. As inexpensive, small, data storage, computer networks and management became more prevalent in the mid to late 90s, creating secure computing environments became a top priority. A specific goal was to prevent unauthorized use of computer data. Preventing unauthorized use of computer data became an even greater concern as the use of removable storage devices became more common.

13. One of the biggest fears while using removable storage devices was the copying and/or reading of sensitive data by unauthorized users. To prevent unauthorized use of sensitive computer data, many security measures were created and implemented to regulate and secure access to data.

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