

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OPTIS WIRELESS TECHNOLOGY, LLC AND
PANOPTIS PATENT MANAGEMENT, LLC,

Plaintiffs,

v.

BLACKBERRY CORPORATION, et al

Defendants.

Civ. A. No. 2:16-cv-62-JRG-RSP
(Lead Case)

Civ. A. No. 2:16-cv-61-JRG-RSP
(Consolidated)

JURY TRIAL REQUESTED

**DECLARATION OF RICHARD GITLIN, SC.D, IN SUPPORT OF PLAINTIFFS’
OPENING CLAIM CONSTRUCTION BRIEF**

I, Richard Gitlin, declare as follows:

I. INTRODUCTION

1. I make this declaration in support of Plaintiffs’ Optis Wireless Technology, LLC and PanOptis Patent Management, LLC (“PanOptis”) Opening Claim Construction Brief.

Unless otherwise noted, the statements made herein are based on my personal knowledge, and if called to testify in Court, I could and would testify competently and truthfully with regards to this matter.

2. My name is Richard Gitlin. I have been retained as a technical expert by counsel for PanOptis to address certain issues in support of PanOptis’ Opening Claim Construction Brief. I understand this declaration is to be used in the matter of *PanOptis v. BlackBerry*, 2:16-cv-0062-JRG-RSP (E.D. Tex.). I have been asked to review the below identified patents and related materials and based upon that review to provide my expert opinion regarding the proper

construction for various terms. I previously provided expert declarations in support of PanOptis' claim construction briefs regarding some of the same patents addressed here in *PanOptis v. ZTE Corp.*, 2:15-cv-300-JRG-RSP, which I will refer to as the "ZTE matter." I have reviewed the Court's opinion on claim construction issues from that case (Dkt. 116), which I will refer to as "the ZTE Claim Construction Order."

3. I am being compensated at my usual consulting rate of \$675 per hour for my work related to this dispute. My compensation is in no way dependent on the outcome of this dispute or the testimony or opinions that I give.

4. My curriculum vitae and testimony list are included in **Appendix A** to this declaration.

5. My opinions and conclusions are fully discussed in later sections of this declaration.

6. In reaching these opinion and conclusions, I have relied upon my education, experience and training, my review of the patents, the patent prosecution history, and my review of the evidence produced in this matter. A list of materials relied upon is provided in **Appendix B**.

7. I reserve any right that I may have to supplement this declaration if further information becomes available or if I am asked to consider additional information. Furthermore, I wish to reserve any right that I may have to consider and comment on any additional expert statements and testimony of BlackBerry's experts in this matter. I may also rely on demonstrative exhibits to explain my testimony and opinions.

A. Education and Experience

8. I received a Bachelor's Degree (with honors) in electrical engineering from the City College of New York, and a Master of Science in electrical engineering and a Doctorate in engineering science from Columbia University. I am currently a State of Florida 21st Century Scholar, Distinguished University Professor, and the Agere Systems Chaired Professor of Electrical Engineering at the University of South Florida ("USF"). I have more than 45 years of experience in the field of communications and wireless communications in particular.

Throughout my career, I have managed and led research in wireline and wireless systems, broadband and optical networking, multimedia communications, and access technologies.

9. After receiving my doctorate from Columbia University in 1969, I joined Bell Laboratories ("Bell Labs"), which at the time was part of the Bell System, and eventually became AT&T Bell Labs, and then became Lucent Technologies-Bell Labs (now Alcatel-Lucent Bell Labs). I was with Bell Labs in its various instantiations for 32 years. My first assignment was in the data communications ("modem") area and, during this time, I contributed to the invention of many key modem technologies. I was also involved in the product realization, standardization, and introduction of several pioneering modem products. I was the leader of the V.32 modem development team in the early 1980s, assembled the team that developed the V.34 modem, and I was a co-inventor of Digital Subscriber Line ("DSL") technology in 1985-1986.

10. In 1987, I moved to Bell Labs research to lead research on wireless systems, high-speed packet switching, optical networking, and related areas. I held several senior executive positions in Bell Labs, and one of these positions was Senior Vice President for Communication Sciences Research. In this position, included in my responsibilities were all of Bell Labs wireless communications research projects, including time division multiple access ("TDMA"),

code division multiple access (“CDMA”), and OFDM research for both cellular and wireless local area network (“WLAN” or WiFi) systems. In this position, I oversaw over 500 professionals, many of whom were involved in wireless communications and network research, and many of whom are regarded as innovators in wireless technologies. In particular, I established and oversaw the Bell Labs research group located in Utrecht, The Netherlands that was focused on creating WLAN technology. This group was involved in the research and exploratory development of CDMA and OFDM WLAN systems. In addition, I oversaw a cellular wireless research group located in Swindon, UK. The Bell Labs research groups working on wireless research in the United States also reported to me and included several researchers working on OFDM and MIMO. At Bell Labs, I was personally involved in MIMO technology, working with and extending the work of some the original inventors.

11. Throughout my career, I have conducted and led pioneering research and development in digital communications, wireless systems, and broadband networking that has resulted in many innovative products. I am the named inventor on more than 50 issued United States patents, the author, or co-author, of over 100 journal and conference articles and a graduate level data communications textbook, and I have given numerous keynote presentations, including premier wireless conferences, such as WAMICON 2016, Wireless Communications and Networking Conference 2015 (“WCNC 2015”), Wireless Telecommunications Symposium 2015 (“WTS 2015”), Mobicom 2004, Wireless Communications and Networking Conference 2003 (“WCNC 2003”), and the Wireless Telecommunications Symposium 2010 (“WTS 2010”). I am the co-recipient of three prize paper awards including the 1995 IEEE Communications Society’s Steven O. Rice Award, the 1994 IEEE Communications Society’s Frederick Ellersick Award, and the 1982 Bell System Technical Journal Award.

12. In addition to my responsibilities at Bell Laboratories and Lucent Technologies, from 1999 to 2001, I was a Visiting Professor of Electrical Engineering at Columbia University, where I taught courses, conducted research, and supervised doctoral students in the area of communications and wireless networking. From 2001-2003, I was an Adjunct Professor of Electrical Engineering at Columbia University.

13. From 2001 to 2004, I was Vice President, Technology and Chief Technical Officer of NEC Laboratories America, Inc., where I had specific responsibility for wireless networking, broadband and IP systems, system LSI, quantum communications, and bio-informatics.

14. From 2002 to 2005, I served on the Board of Directors of PCTEL, a NASDAQ company (PCTI) focused on wireless technologies.

15. From 2005 to 2008, I was Chief Technical Officer of Hammerhead Systems, a Silicon Valley venture-funded start-up and market leader in providing innovative data networking solutions for wireline, wireless, and cable service providers. At Hammerhead Systems, I was responsible for product line vision and system architecture, developing core technologies, representing product technology and directions with customers, partners, and standards bodies.

16. In 2008, I assumed my current position at USF, and in March 2010, I co-founded a medical device company to design and market *in vivo* wireless devices to facilitate minimally invasive surgery.

17. In 1986-1987, I was named a Fellow of the IEEE and an AT&T Bell Laboratories Fellow. In 2005, I was elected to the U.S. National Academy of Engineering (“NAE”), and I

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