

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON DIGITAL SERVICES, INC., AMAZON
FULFILLMENT SERVICES, INC., HULU, LLC, and NETFLIX, INC.,

Petitioners

v.

UNILOC LUXEMBOURG, S.A.,

Patent Owner

Case IPR2017-00948

Patent No. 8,566,960

**SUPPLEMENTAL DECLARATION OF
DR. AVIEL RUBIN IN SUPPORT OF PETITIONERS'
OPPOSITION OF PATENT OWNER'S CONTINGENT
MOTION TO AMEND**

1. My name is Dr. Aviel Rubin.

2. I have been engaged by Petitioners Amazon.com, Inc., Amazon Digital Services, Inc., Amazon Fulfillment Services, Inc., Hulu, LLC, and Netflix, Inc. to investigate and opine on certain issues relating to U.S. Patent No. 8,566,960 (Ex. 1001) (“the ’960 Patent”) in connection with IPR2017-00948.

3. I possess the knowledge, skills, experience, training, and education to form an expert opinion in this matter. Ex. 1030 is a copy of my curriculum vitae. This declaration supplements my previous declaration in this matter, dated February 17, 2017 (Ex. 1002), and incorporates the information and opinions presented in my earlier declaration.

4. I understand that Patent Owner, Uniloc Luxembourg, S.A. (“Uniloc”), has filed a Contingent Motion to Amend Claims 1, 22, and 25 of U.S. Patent No. 8,566,960 in IPR2017-00948 (Paper 17) (the “Motion to Amend”). I understand that the Motion to Amend includes proposed substitute claims 26-28, which purport to amend original claims 1, 22, and 25 of the ’960 patent, respectively. I have reviewed the Motion to Amend, including the proposed substitute claims.

5. In forming my opinions, I have studied and relied on the information and evidence identified in my previous declaration, as well as the additional information and evidence identified in this declaration, including U.S. Patent 7,752,139 (“Hu”) (Ex. 1026), U.S. Patent 5,490,216 (“the ’216 patent”) (Ex. 1010), U.S. Pa-

tent 8,234,302 (“Goodwin”) (Ex. 1032), International Patent Publication No. WO2007/046706 A1 (“Birdstep”) (Ex. 1033), the ’960 Patent (Ex. 1001), and the Motion to Amend.

6. I have also considered U.S. Provisional Patent Application No. 5 60/988,778 (Ex. 2005) and U.S. Patent Application No. 12/272,570 (Ex. 2004), which I understand are the applications that became the ’960 patent.

7. This declaration is based on the information currently available to me. To the extent that additional information becomes available, I reserve the right to continue my investigation and study, which may include a review of documents 10 and information that may be produced, as well as testimony from depositions that may not yet be taken.

8. I have formulated my opinions from the perspective of a person of ordinary skill in the art (“POSITA”) at the time of the earliest possible priority date of the claims (in November 2007). As in my earlier declaration submitted in this 15 matter, it remains my opinion that POSITA would have possessed a bachelor’s degree in computer science and/or electrical engineering or comparable experience, plus at least two years of experience using DRM, cryptography, and content distribution or related software technology. (Ex. 1002, ¶¶ 33-38.)

I. The Substitute Claims.

9. I have reviewed proposed substitute claims 26-28 in Appendix A of the Motion to Amend.

10. I understand that that the underlined text in substitute claims 26-28 represents claim language that Uniloc proposes to add to original claims 1, 22, and 25, respectively, and that the text surrounded by double brackets in substitute claims 26-28 represents claim language that Uniloc proposes to delete from original claims 1, 22, and 25, respectively.

11. I understand that substitute claim 26 is proposed to replace original claim 1 as follows (Motion to Amend, Appx. A, at vii-viii):

26. (Substitute for Claim 1, if Claim 1 is found to be unpatentable) A system for adjusting a license for a digital product over time, the license comprising at least one allowed copy count corresponding to a maximum number of devices authorized for use with the digital product, comprising:

a communication module for receiving a request for authorization to use the digital product from a given device, the request comprising:

license data associated with the digital product; and

a device identity generated at the given device at least in part by

sampling physical parameters of the given device;

a processor module in operative communication with the communication module;

a memory module in operative communication with the processor module and comprising executable code for the processor module to:

verify that **the license data** [[a license data]] associated with the digital product is valid [[based at least in part on a device identity generated by sampling physical parameters of the given device]];

in response to the license data being verified as valid, determine whether the device identity is currently on a record;

in response to the device identity already being on **the record** [[a record]], allow the digital product to be used on the given device;

in response to the device identity not **currently** being on the record, **temporarily adjust the allowed copy count from its current number to a different number by setting** the allowed copy count to a first upper limit for a first time period, **the first upper limit corresponding to the maximum number of devices authorized to use the digital product during the first time period** [[the allowed copy count corresponding to a maximum number of devices authorized to use the digital product]];

calculate a device count corresponding to total number of devices **currently** [[already]] authorized for use with the digital product; and

when the calculated device count is less than the first upper limit, allow the digital product to be used on the given device.

12. I understand that substitute claim 27 is proposed to replace original claim 22 as follows (Motion to Amend, Appx. A, at viii-ix):

27. (Substitute for Claim 22, if Claim 22 is found to be unpatentable) A method for adjusting a license for a digital product over time, the license comprising at least one allowed copy count corresponding to a maximum number of devices authorized for use with the digital product, comprising:

receiving a request for authorization to use the digital product on a given device, **the request comprising:**

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