

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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InAuth, Inc.

Petitioner

v.

mSIGNIA, Inc.

Patent Owner

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Case No. Unassigned

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**DECLARATION OF DR. PATRICK TRAYNOR**

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**IPR of USPN 9,559,852**  
**Declaration of Dr. Patrick Traynor**

I, Patrick Traynor, Ph.D., hereby declare as follows.

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have been retained as an expert witness on behalf of InAuth, Inc. (“InAuth”) in connection with the above-captioned requested *inter partes* review (“IPR”). I am being compensated for my time in connection with this IPR at my standard consulting rate, which is \$500 per hour. My compensation does not depend on the outcome of this proceeding. I have no personal interest in the outcome of this proceeding.

**I. OVERVIEW AND SUMMARY OF OPINIONS**

3. I understand that a petition for *inter partes* review has been filed regarding U.S. Patent No. 9,559,852 (“the ‘852 patent”) (IA1001), which resulted from U.S. Application No. 15/075,066 (“the ‘066 Application”), filed on March 18, 2016, naming Paul Timothy Miller and George Allend Tuvell as inventors. I understand that the petition for *inter partes* review challenges claims 1-25 of the ‘852 patent (the “Challenged Claims”) as anticipated and/or obvious.

4. The ‘852 Patent issued on January 31, 2017, from the ‘066 application.

5. I understand that the ‘852 patent lists mSIGNIA, Inc. (“Patent Owner”) as assignee.

**IPR of USPN 9,559,852**  
**Declaration of Dr. Patrick Traynor**

6. I understand that the earliest possible filing date for the '852 patent is February 3, 2011, which is the filing date of Provisional Patent Application No. 61/462,474 ("the '474 provisional"). IA1009. I have not been asked to opine regarding whether the '474 provisional provides adequate written description for and/or enables the Challenged Claims, and I offer no opinion on this matter in this declaration. I have assumed, only for purposes of this Declaration, that the priority date for all Challenged Claims is February 3, 2011. My opinions as to invalidity discussed herein would not change if February 3, 2011 or a later date is used as the priority date. I am not aware of any evidence to suggest that any claim of the '852 patent should get the benefit of any earlier priority date. I am also not aware of any claim by Patent Owner to an earlier priority date that would change any of my opinions set forth in this declaration or otherwise. I reserve the right to respond with specificity if Patent Owner alleges an earlier priority date.

7. In preparing this Declaration, I have reviewed the '852 patent, its file history (IA1002), the parent U.S. Patent No. 9,294,448 ("the '448 patent") (IA1010), the file history of the '448 patent (IA1011), the grand-parent U.S. Patent No. 8,817,984 ("the '984 patent") (IA1012), the file history of the '984 patent (IA1013), and the '474 Provisional and considered each of the documents cited herein, in light of general knowledge in the art (*i.e.*, field) on or before February 3, 2011. In formulating my opinions, I have relied upon my nearly 20 years of

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