

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUAWEI DEVICE CO., LTD.,
Petitioner

v.

MAXELL, LTD.,
Patent Owner

INTER PARTES REVIEW
OF U.S. PATENT NO. 6,754,440 B2
Case No.: IPR2018-00233

SECOND DECLARATION OF DAN SCHONFELD, Ph.D.

I, Dan Schonfeld, declare and state as follows:

1. I have been retained by counsel for Huawei Device Co., Ltd. (“Huawei” or “Petitioner”) as an expert witness in support of Huawei’s petition for *Inter Partes* Review (“IPR”) and cancellation of claims 1-8 of U.S. Patent No. 6,754,440 (Ex. 1001, the “’440 Patent”) (Paper No. 1), which I understand has been assigned to Maxell, Ltd. (“Maxell” or “Patent Owner”).

2. I understand that Patent Owner has objected to the authenticity of certain evidence that was included in Huawei’s Petition for IPR of the ’440 Patent, IPR2018-00233.

3. Specifically, I understand that Patent Owner has objected to the authenticity of the following three exhibits: (1) Ex. 1007, “Hitachi Introduces World’s First MPEG Camera in Japan” (Jan. 27, 1997) (“MPEGCAM Press Release”); (2) Ex. 1008, “Hitachi MPEGCAM Instruction Manual” (1997); and (3) Ex. 1009, “PC Data-Compatible MPEG Camera” (Oct. 1997) (“Hitachi Review Article”).

4. On Thursday, June 21, 2018, I visited the following webpage hosted by Hitachi, Ltd.:
<http://www.hitachi.com/New/cnews/E/1997/970127B.html>. The webpage contains a copy of News Release by Hitachi entitled “Hitachi Introduces World’s First MPEG Camera in Japan.” A true and correct copy of the PDF of that web page is

Ex. 1019. Other than the labels and page numbers that have been added to the footers of the documents, the text of Ex. 1019 is identical to Ex. 1007, and no other alterations have been made.

5. On Thursday, June 21, 2018, I visited the following webpage hosted by Manuals Lib: <https://www.manualslib.com/manual/500122/Hitachi-Mpegcam-Mp-Eg1a.html>. This webpage contains a copy of an instruction manual for the Hitachi MPEGCAM MP-EG1A. Ex. 1020 is a true and correct copy of the PDF of the manual stored on this webpage. Other than the labels and page numbers that have been added to the footers of the documents, the text of Ex. 1020 is identical to Ex. 1008, and no other alterations have been made.

6. On Thursday, June 21, 2018, I visited the following webpage hosted by Hitachi, Ltd.: <http://www.hitachi.com/rev/1997/revoct97.htm>. Exhibit 1021 is a true and correct copy of that webpage. Exhibit 1021 lists the Featured Articles of the October 1997 issue of Hitachi Review (Vol. 46, No. 5). Exhibit 1021 identifies an article entitled “PC Data-Compatible MPEG Camera,” by Takuya Imaide and Akio Hayashi, which are the title and authors identified in Ex. 1009.

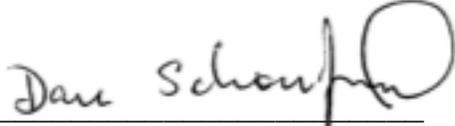
7. On Thursday, June 21, 2018, I clicked on the hyperlink for “PC data-compatible MPEG camera” at the website indicated above. The link is to the following webpage hosted by Hitachi, Ltd.:

<http://www.hitachi.com/rev/1997/revoct97/rev504.htm>. Exhibit 1022 is a true and correct copy of that webpage. Exhibit 1022 provides the text of an abstract for an article entitled “PC data-compatible MPEG camera.” The title of the web page, the text of the abstract, and the listed authors are identical to the title, abstract, and authors of Ex. 1009. *Compare* Exhibit 1022 with Ex. 1009, 3. The top-left corner of Exhibit 1022 states “HITACHI REVIEW --- October 1997 Vol.46-No.5,” which is consistent with Ex. 1009 having been published in the October 1997 issue of Hitachi Review (Vol. 46, Issue 5). Similarly, the URL for Exhibit 1022 includes the text “1997” and “revoct97,” which is also consistent with Ex. 1009 having been published in October 1997.

8. Ex. 1009 indicates that it was published in a journal with ISSN 0018-277X. On Thursday, June 21, 2018, I visited the following webpage on the Library of Congress’s Online Catalog, which is the Library of Congress’s full record for ISSN 0018-277X: <https://lccn.loc.gov/62034669>. Exhibit 1023 is a true and correct copy of the full record for ISSN 0018-277X available at the Library of Congress’s Online Catalog. As indicated in Exhibit 1023, Hitachi Review was published between January 1952 through February 1998. The last volume, corresponding to the 1998 volume, was Volume 47. That is consistent with Ex. 1009 being published in the previous volume (Volume 46) one year earlier, in 1997.

9. I declare under penalty of perjury that the foregoing is true and correct. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on June 21, 2018, in Northbrook, Illinois.


Dan Schonfeld, Ph.D.