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Filed on behalf of Apple Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

BILLJCO LLC,

Patent Owner

IPR2022-00129

**DECLARATION OF MICHAEL FOLEY, PH.D.
REGARDING U.S. PATENT NO. 8,566,839**

I, Michael Foley, Ph.D., declare as follows:

I. INTRODUCTION

1. My name is Michael Foley, and I am currently the CEO of Innovative Yachtter Solutions, which provides consulting services relating to Internet-of-Things products, for example products that utilize Bluetooth Low Energy.

2. I received a Bachelor of Science degree in Electrical Engineering from the University of Iowa, and a Master's degree and Ph.D. in Electrical Engineering from Arizona State University.

3. From 1999 to 2004, I worked at Microsoft Corporation as a wireless systems architect, where I worked on integrating wireless technology into Windows® and WinCE® platforms. I was also the Microsoft representative to several standards groups, including the Bluetooth Special Interest Group (“SIG”), the WAP Forum, and the Wi-Fi Alliance.

4. From 2004 to 2012, I worked at the Bluetooth SIG as Executive Director and CEO. My responsibilities as Director and CEO of the Bluetooth SIG included, but were not limited to, directing strategy, member relations, operations, and technology development, expanding the Bluetooth SIG into Europe and Asia, and managing Bluetooth SIG board meetings.

5. I was the Executive Director and CEO of the Bluetooth SIG when the Bluetooth Core Specification Version 2.0 + Enhanced Data Rate (“EDR”), titled

“Specification of the Bluetooth System: Wireless Connections Made Easy”
 (“Bluetooth Core”), was published on or about November 4, 2004.

6. On or about November 4, 2004, I personally received and reviewed a copy of Bluetooth Core that the Bluetooth SIG published on or about November 4, 2004.

7. I have reviewed Exhibit 1007, and based on my review of that document, Exhibit 1007 is a true and correct copy of the Bluetooth Core Specification Version 2.0 + EDR as it existed and was publicly available on or about November 4, 2004. Exhibit 1007 is the same as the copy of the Bluetooth Core Specification Version 2.0 + EDR that I reviewed on or about November 4, 2004.

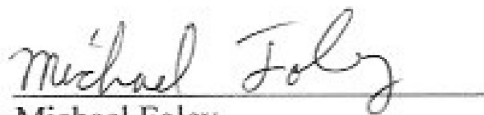
8. I have reviewed the following exhibits, each of which I understand was published before March 14, 2008:

- Exhibit 1014 (an Internet Archive capture, dated February 3, 2007, of the bluetooth.com webpage where core specifications could then be accessed).
- Exhibit 1015 (an Internet Archive capture, dated September 2, 2006, of the bluetooth.com webpage where Bluetooth Core could be downloaded).

- Exhibit 1016 (an Internet Archive capture, dated December 12, 2004, of the bluetooth.com press release describing the adoption of Bluetooth Version 2.0 + EDR).
- Exhibit 1017 (a news article, dated April 11, 2007, describing a Marvell product supporting Bluetooth Version 2.0 + EDR).
- Exhibit 1018 (a news article, dated April 11, 2007, describing a Marvell product supporting Bluetooth Version 2.0 + EDR).
- Exhibit 1019 (a news article, dated March 1, 2006, describing testing gear supporting Bluetooth Version 2.0 + EDR).
- Exhibit 1020 (a journal publication, dated May 2006, describing then-available Bluetooth Version 2.0 + EDR).
- Exhibit 1021 (a journal publication, dated December 2004, describing the Bluetooth SIG's adoption of Bluetooth Version 2.0 + EDR and publication of Bluetooth Core).

9. Exhibits 1014 through 1021 are consistent with my personal knowledge that Bluetooth Core reference was publicly available on or about November 4, 2004.

I declare that all statements made in this declaration regarding my personal knowledge are true and accurate, and that all statements made on information and belief are believed to be true. Further, I understand that these statements were made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


Michael Foley

Executed on 11/29/2021 at Kirkland, WA