UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Google LLC,
Petitioner

v.

Jawbone Innovations, LLC,
Patent Owner

_____

Case IPR2022-00888

U.S. Patent No. 8,321,213

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DECLARATION OF RAYMOND O'KEEFE CRUITT

I, Raymond O'Keefe Cruitt, state and declare as follows:

1. I have prepared this Declaration in connection with Google LLC's ("Petitioner") Petition for *inter partes* review of U.S. Patent No. 8,321,213 ("the '213 patent"), which I understand will be filed concurrently with this Declaration. I have been asked to assume that May 25, 2007, is a date that is relevant for determining what is prior art to the '213 patent.

2. I am currently Research Analyst at Finnegan, Henderson, Farabow, Garrett & Dunner LLP, 901 New York Avenue NW, Washington , DC 20001-4413.

3. I am over 18 years of age and am competent to make this Declaration.

4. I make this Declaration based on my own personal knowledge, based on my knowledge of library science practices.

5. I earned a Master of Library Science ("MLS") degree from the University of North Carolina at Greensboro in 2004, and have worked as a librarian in various libraries, including law libraries, since then. I have been employed in the Research Information Center at Finnegan since 2019.

I. Petition Exhibits and Attachments

6. Exhibit 1003 to the Petition is a true and correct copy of "Suppression of Acoustic Noise in Speech Using Spectral Subtraction," by S. F. Boll ("*Boll*") in

IEEE Transactions on Acoustics, Speech, & Signal Processing, Volume 27, No. 2, pages 113-120 (April 1979), obtained from the IEEE Xplore database.

7.   Attached is Appendix A, which is a true and correct copy of the IEEE Xplore database record of the IEEE Transactions on Acoustics, Speech, & Signal Processing periodical that includes *Boll*.

II.   IEEE Xplore Database

8.   The IEEE Xplore Database is a digital library used for accessing journal articles, conference proceedings, and other materials from the Institute of Electrical and Electronics Engineers (IEEE) and publishers. IEEE Xplore provides a date of publication for journals that IEEE Xplore represents is the "very first instance of public dissemination." *See* IEEE Xplore, Publication Dates, *available at* https://ieeexplore.ieee.org/Xplorehelp/working-with-documents/publication-dates IEEE Xplore.

III.   Public Availability

A.   *Boll* (Exhibit 1003)

9.   Evidence of *Boll's* publication and availability to the public includes the April 1979 date of the periodical "IEEE Transactions on Acoustics, Speech, & Signal Processing," which is identified on pages 113-120 of Exhibit 1003. Additional evidence is the copyright date of "© 1979 IEEE" on page 113 of

Exhibit 1003. In my opinion, this demonstrates that *Boll* was published in the IEEE

Transactions on Acoustics, Speech, & Signal Processing periodical in April 1979.

10.   Further evidence of the publication and public accessibility of *Boll* is

found in Appendix A, which is the IEEE Xplore database record of the IEEE

Transactions on Acoustics, Speech, & Signal Processing periodical that includes

Boll. Appendix A lists the "Date of Publication," which IEEE states is the "very

first instance of public dissemination," as April 1979. Appendix A additionally

identifies numerous citations to *Boll*, including 1629 IEEE citations, 1141 citations

from "other publications" (2,770 total citations), and 305 patent citations. These

citations include other publications and patents that cite to *Boll*, including many

that pre-date May 25, 2007, the date I understand is relevant for determining what

is prior art to the '213 patent. *See* Appendix A. For example, patent citation

number 305 is U.S. Patent. No. 4,628,529 to Borth et al., which issued on

December 9, 1985. *Id.* at 33-34. In my opinion, this confirms *Boll* was published,

cataloged, and publicly available to the public well before May 2007.

*   *   *

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 6, 2022   By: _____

Raymond O'Keefe Cruitt

Cruitt Appendix A

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