UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Medivis, Inc.
Petitioner

v.

Novarad Corp.
Patent Owner

Case IPR2023-00042
US Patent No. 11,004,271

SUPPLEMENTAL DECLARATION OF CRAIG S. ROSENBERG, PH.D.

In Support of Patent Owner Pursuant to 37 C.F.R. § 42.64(b)(2)

1. I have read Petitioner's Objections to Exhibits Filed with Patent Owner Response (Paper 13) ("Petitioner's Objections") and provide additional comments with respect to this action.

EXPERTISE IN THE RELEVANT FIELD

2. I agree with Petitioner that "systems and methods for using augmented reality during medical procedures" is the relevant field.

RELEVANT TIME PERIOD

3. I also agree with Petitioner that the relevant time period for the '271 Patent is on or before March 30, 2017.

PERSON OF ORDINARY SKILL IN THE ART ("POSITA")

4. Petitioner asserts "the hypothetical person of ordinary skill in the art at the time … (POSA) [aka POSITA] would be 'a person with a bachelor's degree in computer science, electrical engineering, or a related field with several years of experience in the design, development, and study of augmented reality devices either (a) familiar with conventional medical imaging data and visualization of data for medical procedures or (b) working with a team including someone with such familiarity.'" Petition at 10 (quoting Kazanzides Decl., Ex. 1012, ¶ 25).

5. I agree that a POSITA would be a person with several years of experience in the design, development, and study of augmented reality environments—however, not necessarily augmented reality devices. Although the

’271 Patent claims the use of an augmented reality headset, the focus of the claims is more about software rather than hardware. For this reason, I stated in my declaration that a POSITA would include someone with a degree in human factors or human-computer interaction, which I would argue is a field related to electrical engineering and computer science. *See* Ex. 2004 at ¶ 42.

6. As I stated in my declaration, “[a] POSITA at the time of the ’271 Patent would include someone with a degree in human factors or human-computer interaction.” Ex. 2004 at ¶ 42. This is because, perhaps even more so than electrical and computer science engineers, “[h]uman factors professionals play a crucial role in the design and development of AR systems to ensure they are user friendly, effective, and safe.” *Id*. A human factors professional understands uniquely well the types of problems encountered in designing and developing AR environments. *See* Ex. 2007 at 1-3.

7. As I stated in my declaration, I have “over 30 years of experience designing and implementing virtual reality (VR) and augmented reality (AR) environments.” Ex. 2004 at ¶ 37. I am certainly qualified to provide expert opinions related to the user interface(s) and augmented reality environment(s) claimed in the ’271 Patent.

RULE 26 REQUIREMENTS

8. I have attached to this declaration as Exhibit 2007 an updated CV that includes a current list of all cases in which I have provided expert testimony by way of deposition or at trial. Ex. 2007 at 4-5. Exhibit 2007 also includes a current list of all my publications. Ex. 2007 at 3-4.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further 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 § 1001 of Title 18 of the United States Code.

Date: 8/8/2023

Craig Rosenberg, Ph.D.