

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMERSON ELECTRIC CO.

Petitioner,

v.

OLLNOVA TECHNOLOGIES LTD.

Patent Owner.

Case IPR2023-00626

U.S. Patent No. 7,746,887

**DECLARATION OF JONATHAN BRADFORD
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF UNITED STATES PATENT NO. 7,746,887**

1. I, Jonathan Bradford, make the following Declaration pursuant to 28 U.S.C. § 1746: I am a Senior IP Paralegal at the law firm of Ropes & Gray LLP.

2. I provide this Declaration in connection with the above-identified *Inter Partes* Review proceeding that is before the United States Patent and Trademark Office (“USPTO”). Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Ex. 1001 is a true and correct copy of U.S. Patent No. 7,746,887, which was obtained from the USPTO’s Public Patent Application Information Retrieval (“Public PAIR”) system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

4. Ex. 1003 is a true and correct copy of File History of U.S. Patent No. 7,746,887, which was obtained from the USPTO’s Public Patent Application Information Retrieval (“Public PAIR”) system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

5. Ex. 1004 is a true and correct copy of U.S. Patent No. 7,528,711 to Kates, which was obtained from the USPTO’s Public Patent Application Information Retrieval (“Public PAIR”) system. This document has been marked

with an exhibit label and page numbers on each page at the bottom right corner.

However, no alterations, other than these noted markings, have been made to this document.

6. Ex. 1005 is a true and correct copy of U.S. Patent Application Publication No. 2004/0100394 to Hitt, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

7. Ex. 1006 is a true and correct copy of U.S. Patent Application Publication No. 2005/0246593 to Littrell, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

8. Ex. 1007 is a true and correct copy of U.S. Patent No. 5,696,695 to Ehlers, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner.

However, no alterations, other than these noted markings, have been made to this document.

9. Ex. 1008 is a true and correct copy of U.S. Patent Application Publication No. 2005/0270173 to Boaz, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

10. Ex. 1009 is a true and correct copy of *Ollnova Technologies Ltd. v. Emerson Electric Co.*, 4:22-cv-01387 (E.D. Mo.) Defendants' Opening Claim Construction Brief (October 27, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

11. Ex. 1010 is a true and correct copy of *Ollnova Technologies Ltd. v. Emerson Electric Co.*, 4:22-cv-01387 (E.D. Mo.) Plaintiff Ollnova Technologies Ltd.'s Responsive Claim Construction Brief (November 17, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

12. Ex. 1011 is a true and correct copy of *Ollnova Technologies Ltd. v. Emerson Electric Co.*, 4:22-cv-01387 (E.D. Mo.) Defendants' Reply Claim Construction Brief (December 1, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

13. Ex. 1012 is a true and correct copy of *Ollnova Technologies Ltd. v. Emerson Electric Co.*, 4:22-cv-01387 (E.D. Mo.) Plaintiff Ollnova Technologies Ltd.'s Sur-Reply Claim Construction Brief (December 15, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

14. Ex. 1013 is a true and correct copy of *Ollnova Technologies Ltd. v. Emerson Electric Co.*, 4:22-cv-01387 (E.D. Mo.) Joint Claim Construction Statement (December 20, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

15. Ex. 1014 is a true and correct copy of *Ollnova Technologies Ltd. v. Carrier Global Corp.*, 9:22-cv-80388 (S.D. Fla.) Plaintiff Ollnova Technologies

Ltd.'s Opening Claim Construction Brief (November 4, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

16. Ex. 1015 is a true and correct copy of *Ollnova Technologies Ltd. v. Carrier Global Corp.*, 9:22-cv-80388 (S.D. Fla.) Carrier Global Corp.'s Responsive Claim Construction and Indefiniteness Brief (November 18, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

17. Ex. 1016 is a true and correct copy of *Ollnova Technologies Ltd. v. Carrier Global Corp.*, 9:22-cv-80388 (S.D. Fla.) Plaintiff Ollnova Technologies Ltd.'s Reply Claim Construction Brief (November 30, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

18. Ex. 1017 is a true and correct copy of *Ollnova Technologies Ltd. v. Carrier Global Corp.*, 9:22-cv-80388 (S.D. Fla.) Joint Claim Construction Chart (December 5, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right

corner. However, no alterations, other than these noted markings, have been made to this document.

19. Ex. 1018 is a true and correct copy of U.S. Patent No. 6,124,806 to Cunningham, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

20. Ex. 1019 is a true and correct copy of U.S. Patent Application Publication No. 2003/0174070 to Garrod, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

21. Ex. 1020 is a true and correct copy of U.S. Patent Application Publication No. 2005/0137968 to Lareau, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

22. Ex. 1021 is a true and correct copy of U.S. Patent No. 7,230,528 to Kates, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

23. Ex. 1022 is a true and correct copy of U.S. Patent No. 7,102,505 to Kates, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

24. Ex. 1023 is a true and correct copy of *Ollnova Technologies Ltd. v. ecobee Technologies, ULC*, 2:22-cv-00072 (E.D. Tex.) P.R. 4-3 Joint Claim Construction and Prehearing Statement (January 10, 2023), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

25. Ex. 1024 is a true and correct copy of Standing Order Governing Proceedings (OGP) 4.1—Patent Cases (W.D. Tex.) (April 14, 2022), which was

obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

26. Ex. 1025 is a true and correct copy of *Ollnova Technologies Ltd. v. Emerson Electric Co.*, 4:22-cv-01387 (E.D. Mo.) Plaintiff's Preliminary Disclosure of Asserted Claims and Infringement Contentions (July 7, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

27. Ex. 1026 is a true and correct copy of Redline comparison between the specifications of U.S. Patent No. 7,746,887 and U.S. Patent No. 7,102, 505, which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

28. Ex. 1031 is a true and correct copy of U.S. Patent No. 6,513,723 to Mueller, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

29. Ex. 1035 is a true and correct copy of Lex Machina: Overview for E.D. Mo. (Jan. 29, 2023) (retrieved from <https://law.lexmachina.com/court/moed>), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

30. Ex. 1041 is a true and correct copy of U.S. Patent No. 7,268,581 to Trimberger, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

31. Ex. 1042 is a true and correct copy of U.S. Patent No. 7,254,691 to Ebeling, which was obtained from the USPTO's Public Patent Application Information Retrieval ("Public PAIR") system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

32. Ex. 1043 is a true and correct copy of *Ollnova Technologies Ltd. v. Emerson Electric Co.*, 6:22-cv-00358-ADA (W.D. Tex.) Declaration of Erik De La Iglesia in Support of Plaintiff Ollnova Technologies Ltd.'s Responsive Claim

Construction Brief, which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

33. Ex. 1044 is a true and correct copy of *Ollnova Technologies Ltd. v. ecobee Technologies*, ULC, 2:22-cv-00072 (E.D. Tex.) Ollnova Technologies Ltd.'s Opening Claim Construction Brief (January 31, 2023), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

34. Ex. 1046 is a true and correct copy of M. R. Barbacci, C. B. Weinstock and J. M. Wing, "Programming at the processor-memory-switch level," Proc. [1989] 11th Int. Conf. on Software Eng'g, Singapore, 1988, pp. 19.28, which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

35. Certain pages have been resized to 8.5 x 11 inches. No content was removed by this resizing.

36. 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 18 U.S.C. § 1001. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

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

Executed this 6th day of March, 2023, in Boston, Massachusetts.

/Jonathan Bradford/
Jonathan Bradford
ROPES & GRAY LLP