

SECOND DECLARATION OF PATRICK BUCKLEY

I, Patrick Buckley, declare:

1. My name is Patrick Buckley. This declaration consists of facts of which I have personal, first-hand knowledge and to which I could competently testify if called as a witness under oath.

2. Claim 1 of the '075 patent reads on the DODOcase VR 1.2 Viewer. I have reviewed the claim chart included in Patent Owner's Response in IPR2023-00707, and I confirm that it shows how the DODcase VR1.2 Viewer embodies claim 1 of the '075 patent.

3. The DODOcase VR 1.2 did not include any critical unclaimed features beyond those recited in claim 1 of the '075 patent. As described below, the distinguishing feature of the DODOcase VR 1.2 Viewer was the user input mechanism. The input mechanism recited in claim 1 of the '075 patent and found in the VR1.2 Viewer drew praise from Google.

4. Soon after Google learned of the DODOcase VR 1.2 Viewer and praised its capacitive button mechanism, Google copied DODOcase by incorporating a similar capacitive button as provided on the DODOcase VR 1.2 Viewer in its own GCV2 VR viewer. I have reviewed the claim chart included in Patent Owner's Response in IPR2023-00707, and I confirm that it shows how

Google's GCV2 VR viewer embodies claim 1 of the '075 patent in much the same way as the DODOcase VR 1.2 Viewer, including the capacitive button.

5. Claim 1 of the '199 patent reads on the DODOcase VR 1.2 Viewer. I have reviewed the claim chart included in Patent Owner's Response in IPR2023-00709, and I confirm that it shows how the DODOcase VR1.2 Viewer embodies claim 1 of the '199 patent.

6. The DODOcase VR 1.2 did not include any critical unclaimed features beyond those recited in claim 1 of the '199 patent. As described below, the distinguishing feature of the DODOcase VR 1.2 Viewer was the user input mechanism. The input mechanism recited in claim 1 of the '199 patent and found in the VR1.2 Viewer drew praise from Google.

7. Soon after Google learned of the DODOcase VR 1.2 Viewer and praised its capacitive button mechanism, Google copied DODOcase by incorporating a similar capacitive button as provided on the DODOcase VR 1.2 Viewer in its own GCV2 VR viewer. I have reviewed the claim chart included in Patent Owner's Response in IPR2023-00709, and I confirm that it shows how Google's GCV2 VR viewer embodies claim 1 of the '199 patent in much the same way as the DODOcase VR 1.2 Viewer, including the capacitive button.

8. Claim 1 of the '001 patent reads on the DODOcase VR 1.2 Viewer. I have reviewed the claim chart included in Patent Owner's Response in IPR2023-

00711, and I confirm that it shows how the DODOcase VR1.2 Viewer embodies claim 1 of the '001 patent.

9. The DODOcase VR 1.2 did not include any critical unclaimed features beyond those recited in claim 1 of the '001 patent. As described below, the distinguishing feature of the DODOcase VR 1.2 Viewer was the user input mechanism. The input mechanism recited in claim 1 of the '001 patent and found in the VR1.2 Viewer drew praise from Google.

10. Soon after Google learned of the DODOcase VR 1.2 Viewer and praised its capacitive button mechanism, Google copied DODOcase by incorporating a similar capacitive button as provided on the DODOcase VR 1.2 Viewer in its own GCV2 VR viewer. I have reviewed the claim chart included in Patent Owner's Response in IPR2023-00711, and I confirm that it shows how Google's GCV2 VR viewer embodies claim 1 of the '001 patent in much the same way as the DODOcase VR 1.2 Viewer, including the capacitive button.

11. Ex. 2060 and Ex. 2061 are video clips I sent to Google employees on July 25, 2014, in the email chain included as Ex. 2034 in IPR2023-00707 & IPR2023-00708 and as Ex. 2024 in IPR2023-00709 & IPR2023-00711.

12. In September 2008, Apple filed a patent application that issued as U.S. Patent No. 8,957,835. This patent disclosed a "[h]ead-mounted display systems and methods of operation that allow users to couple and decouple a

portable electronic device such as a handheld portable electronic device with a separate head-mounted device.” It did not disclose a capacitive button mechanism as utilized in the DODOcase VR 1.2 and as recited in claim 1 of the ’075 patent.

13. In March 31, 2011, Hasbro launched its My3D product with cutouts that allow fingers to touch the screen as a mode of user input. It makes no mention of a capacitive button mechanism as described in the DODOcase invention.



14. I obtained the image above from the following URL:
<http://newsroom.hasbro.com/mediakit/releasedetail.cfm?releaseid=586215>. While the page from which I obtained the image no longer appears to be available from that site, I confirm that I obtained it from that site. A related press release is

available at this URL: <https://corp.hasbro.com/static-files/40dd9238-963f-432e-9f76-078d96e85824>.

15. In May 2013, Open Dive launched as a DIY build for a smartphone VR holder, as can be seen at the following YouTube video:

<https://www.youtube.com/watch?v=pgqxcExtjTw>. It used a cutout in the housing to allow a user's finger to touch the screen as the mode of user input. It makes no mention of a capacitive button mechanism as described in DODOcase invention.

16. In November 2013, Durovis Dive was launched by Shoogee. This product provided a cutout in the housing, allowing a user's finger to touch the screen as the mode of user interaction. It makes no mention of a capacitive button mechanism as described in DODOcase invention.



17. I obtained the image above from the following website: <https://www.durovis.com/en/news.html>. While the page from which I obtained the image no longer appears to be available from that site, I confirm that I obtained it from that site.

DODOCASE Ecommerce Sales of Version 1.2 Viewer

18. DODOCASE began selling the Version 1.2 Viewer prior to September 17, 2014. Ex. 2055 is a true and correct copy of a Google Analytics “Ecommerce Overview” report that I generated. The report covers ecommerce purchases by all users during the period between September 17, 2014 and May 10, 2015 at my company DODOCASE’s dodocase.com website. DODOCASE used

Google Analytics to track and store information regarding user activity on the dodocase.com website going back to 2010. Ex. 2055 indicates that between September 17, 2014 and May 10, 2015, \$67,639.45 of revenue was generated from sales of the Version 1.2 Viewer (“Virtual Reality Carboard Toolkit – V1.2”). Ex. 2055 also indicates that between September 17, 2014 and May 10, 2015, \$216,815.20 of revenue was generated from sales of “Virtual Reality Cardboard Toolkit.” I believe that a significant portion of this \$216k revenue is attributable to the Version 1.2 Viewer, for two reasons. The first reason is that DODOCASE only made a single purchase order for the V1 viewer (which was offered for sale a few hours after Google Cardboard was released and included the magnetic input), and this V1 viewer was phased out as inventory of the V1 viewer was depleted. The second reason is that I believe the “Virtual Reality Cardboard Toolkit” name was used for the Version 1.2 Viewer at least during the Kickstarter campaign and while we tested different webpage titles and properties for search engine optimization.

19. Ex. 2056 is a true and correct copy of a Google Analytics “Product Coupon” report that I generated. The report covers the same time period as Ex. 2055, *i.e.*, the time period between September 17, 2014 and May 10, 2015, and is for the same user set as Ex. 2055, *i.e.*, all users. Ex. 2056 indicates that the aforementioned \$67,639.45 of revenue from sales of the Version 1.2 Viewer corresponded to 3,071 unique sales. Ex. 2056 also indicates that the

aforementioned \$216,815.20 of revenue from sales of “Virtual Reality Cardboard Toolkit” corresponded to 6,337 unique sales.

20. Google's public statements suggest version 1 cardboard VR with magnet input was selling at ~250,000 units per quarter in the 1 year period from Q2 2014 launch to Q2 2015. Ex. 2057

[<https://web.archive.org/web/20221210082644/https://www.roadtovr.com/1-million-cardboard-headsets-shipped-google-says/>].¹ Google's public statements also appear to indicate that v2 VR cardboard with capacitive mechanism sold ~2 million units per quarter after its launch in Q3 and Q4 2015 (Ex. 2058 [<https://www.reuters.com/article/us-alphabet-cardboard-idUSKCN0V5297/>])², representing nearly a 10x increase over the magnet input version of the product. From Q1 2016 to Q1 2017, Google statements also show that on average ~1 million units per quarter of v2 VR cardboard with capacitive button mechanism were sold (Ex. 2059 [<https://www.theverge.com/2017/2/28/14767902/google->

¹ Ex. 2057 is a true and correct copy of an article obtained from the following URL: <https://web.archive.org/web/20221210082644/https://www.roadtovr.com/1-million-cardboard-headsets-shipped-google-says/>.

² Ex. 2058 is a true and correct copy of an article obtained from the following URL: <https://www.reuters.com/article/us-alphabet-cardboard-idUSKCN0V5297/>.

cardboard-10-million-shipped-vr-ar-apps]]³, totaling 1 million V1 VR cardboard with magnet input products sold in first year of product launch and 9 million V2 VR cardboard with capacitive button units sold in first 1.5 years of product launch. Since Google's V2 viewer copied DODOcase's capacitive button mechanism, Google's greatly increased commercial success provides objective indicia of nonobviousness.

21. In sum, there was a long-felt need in the art for an improved input mechanism. This need was met by DODOcase's commercial product. Google, the leading driver of smartphone-type VR viewers, praised DODOcase's input mechanism. Then they copied the DODOcase patented feature and then had commercial success with the V2 Google product.

22. Ex. 2062 is a true and correct copy of Google Cardboard (I/O 2015) Technical Specification v.2.0.

23. Ex. 2063 is a true and correct copy of Google Cardboard Best Practices – Version 3.0 (2020).

24. Ex. 2066 is a true and correct copy of an article titled, "Google Partners with Mattel to Bring VR to the Iconic View-Master," which was

³ Ex. 2059 is a true and correct copy of an article obtained from the following URL: <https://www.theverge.com/2017/2/28/14767902/google-cardboard-10-million-shipped-vr-ar-apps>.

downloaded from the following URL: <https://www.wired.com/2015/02/google-mattel/>.

25. Ex. 2066, which was published on Feb. 13, 2015, describes a partnership with Google that, at that point, was “still relatively new—a little under five months in the making.” Based on this information, it appears that Google and Mattel began working together in approximately September 2014, about two months after I disclosed DODOcase’s capacitive button to Google. The Mattel VR View-Master described in Ex. 2066 included a capacitive button similar to DODOcase’s. This demonstrates that not only did Google quickly move to copy DODOcase’s capacitive button itself, but it also induced others to do so.

26. Exhibit 2067 contains screenshots from a video available at https://youtu.be/bJ0OCUqbwZM?si=_7WxKZW8oRIp0n11&t=176 showing the operation of the capacitive button of the Mattel View-Master Virtual Reality Headset.

27. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office.

28. I 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 Section 1001 of Title 18 of the United States Code.

Executed on this 30Day of January, 2024


Patrick Buckley
Boise, ID