UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY INTERACTIVE ENTERTAINMENT LLC
Petitioner,

v.

QUANTUM IMAGING LLC
Patent Owner.

Case No. IPR2023-00995
U.S. Patent No. 10,846,941

DECLARATION OF ALEXANDER HARRY

Sony Exhibit 1009
Sony v. Quantum

I, Alexander Harry, declare as follows:

1. My name is Alexander Harry and I am over the age of 18 years old.

2. I am an analyst with Global Technology Transfer Group ("GTT"), whose principal place of business is located at 919 SW Taylor St., Ste. 900, Portland, OR 97205.

3. Over the course of my work as an analyst, I have had extensive experience with analyzing prior art references, including video game materials. I also have substantial experience in authenticating printed documents and establishing the date when they were accessible to ordinarily skilled researchers.

4. Attachment A is my full resume.

5. As an employee of GTT, I have been retained by KXT Law to evaluate, authenticate, and establish the dates of public availability of certain documents in the above-captioned IPR proceeding. For my time performing this service, GTT is billing KXT Law at my usual hourly fee of $350 per hour. I have no financial interest in this proceeding, or affiliation with Petitioner. My compensation is not dependent upon the outcome of, or my testimony in, this IPR proceeding.

6. In the scope of my employment with GTT, I personally ordered a copy of a video game entitled Phantasy Star Online "PSO" for the Sega Dreamcast gaming console from eBay seller "Matthew's Merch" (eBay username

"matthewsmerc") at 2947 Lynnwood Cir. S.W., Decatur, AL 35603. A copy of the purchase receipt and listing showing the sale of the game is attached hereto as Attachment B.

7. On April 20, 2023, I received a package from "Matthew's Merch" which included the PSO. A picture of the PSO and packaging, as received, is attached as Attachment C.

8. As shown in Attachment D, the PSO arrived in a sealed package comprising a plastic crystal DVD case sealed with clear, heat-sealed cellophane wrap. Upon visual inspection, although the plastic DVD case had several cracks, the cellophane wrap appeared to be intact and original from the factory.

9. I personally removed the cellophane seal and inspected the contents, which as shown in Attachments E-N, included the following:

a. A DVD for PSO including a printed statement "SEGA/SONICTEAM, 2000" thereon (Attachment G).

b. A printed game manual for PSO. A true and accurate copy of the manual that was included in the package is attached hereto as Attachment M. Page 33 of this manual includes the statement, "Copying and/or transmission of this game is strictly prohibited. Unauthorized rental or public performance of this game is a violation of applicable laws. ©SEGA CORPORATION, 2000."

c. A promotional advertising insert for Sonic Adventure 2 "coming 2001" including a copyright statement "SEGA/SONICTEAM, 2000" printed thereon. (Attachment H)

d. A DVD entitled SONIC ADVENTURE 2 THE TRIAL, including a printed statement "SEGA/SONICTEAM, 2000" thereon. (Attachment J)

e. Instructions for entry into a sweepstakes which had a deadline for entry of March 31, 2001. (Attachment K)

f. A product registration form bearing the notice "Copyright © 2000" printed thereon. (Attachment L)

10. The manual was a visible insert to the DVD crystal case and the cover of the manual served as the cover to the product packaging.

11. I have reviewed Ex-1008, which is the identical copy of PSO manual described above. Ex-1008 and Attachment M include identical front and back cover and table of contents pages. I have also compared the headings on pages 8-12, 16, 21, 25, and 33 (containing the printed "©SEGA CORPORATION, 2000") in Ex-1008 with the headings on pages 8-12, 16, 21, 25, and 33 (also containing the printed "©SEGA CORPORATION, 2000") in Attachment M, and found them to be identical. I also compared the Sonic Adventure 2 promotional advertising insert (containing the copyright statement "SEGA/SONICTEAM, 2000") depicted

in Ex-1008 with Attachment H (also containing the copyright statement "SEGA/SONICTEAM, 2000"), and found them to be identical.

12. The manual was provided with the copy of PSO that I inspected. Based on the integration of the manual into the product packaging, it is my opinion based on my professional experience that the manual would have been provided by SEGA with all copies of PSO that were sold.

13. Furthermore, based on various videogame industry magazine articles, including Computer and Video Games, Issue 227 (Oct. 2000), pages 6-7 (Attachment O); GamePro, Issue 151 (Apr. 2001), page 104 (Attachment P); Gamers' Republic, Issue 34 (Mar. 2001), pages 62-63 (Attachment Q); Hyper, Issue 88 (Feb. 2001) , pages 26-27 (Attachment R); NextGen Life 2, Vol. 3 (Apr. 2001), pages 80-81 (Attachment S), and based on my professional experience, it is my opinion that the manual was available to the public in late 2000/early 2001. I obtained these articles from Sega Retro (https://segaretro.org/) on May 3, 2023.

14. Furthermore, the public website for Sega advertised PSO in 2001, illustrating PSO was available in 2001, as shown by a webpage bearing a 2001 copyright date, obtained from the Wayback machine on May 3, 2023 (Attachment T).

15. Online articles also obtained from the Wayback machine on May 9, 2023 further support the dissemination and public availability of PSO and its

manual as of late 2000/early 2001. An article entitled "Phantasy Star Online is Hot," published on IGN's website, dated April 6, 2001, and archived on June 7, 2001, states that PSO was released in Japan on December 21, 2000, America on January 31, 2001, and Europe on February 16, 2001, and shows that PSO was in widespread use and publicly available at least as of April 2001. Attachment U. Similarly, an article entitled "PSO Registrations Soar," published on Daily Radar's website, dated April 6, 2001, and archived on April 13, 2001, states that "Sega announced that it gained more than 35,000 new Phantasy Star Online registrants in March, bringing the world wide total of online registrations to over 235,000. At any given time, up to 26,000 people are playing the game simultaneously on secure servers around the world," and shows that PSO was in widespread use and publicly available at least as of April 2001. Attachment V.

16. Online articles and a product page also obtained from the Wayback machine on May 9, 2023 provide evidence of PSO's communication system, including an article entitled "Phantasy Star Online Preview," published on Gaming Maxx's website, dated January 25, 2001, and archived on January 26, 2001 (Attachment W) ("…Communication involves a translation-based 'keyword' system using a standardized set of phrases and symbols which enables players of all nationalities to interact with one another sans the language barrier impeding gameplay"; "Standardized set of phrases and symbols allow for global interaction

among players"); an article entitled "Phantasy Star Online Review," published on IGN's website, dated January 31, 2001, and archived on March 31, 2001 (Attachment X) ("…playing PSO online will enable players around the world to get together. Since not everyone speaks English, the symbol chat interface allows you to get basic communication across through happy faces, angry expressions, and other default symbols. You can also edit your own symbols…"); a webpage entitled "Phantasy Star Online Product Page," published on EB Games's website and archived on June 9, 2001 (Attachment Y) ("…Using the Dreamcast modem, connect to the Phantasy Star universe and explore distant lands populated with real players like you. Chat, exchange items and information, and go into battle with players from all over the world – all in real-time…"; "Advanced chat feature allows conversation without language barriers"); and an article entitled "Phantasy Star Online Review," published on Daily Radar's website and archived on February 2, 2001 (Attachment Z) ("Sonic Team has commendable job of giving gamers all sorts of ways to communicate with one another, be it simple mail, guild cards or universal 'translators'"; "Players are also able to swap Guild Cards, … [o]nce you have someone's Guild Card, you can seek them out online…"; "…'simple mail' [] allows you to send limited email to a friend online....").

17. Based on my professional experience, and the indicia described above, it is my opinion that the manual was publicly distributed

contemporaneously with the distribution of the PSO software. Further based on my professional experience, and the indicia described above, including the magazine articles and internet webpages, and the various dated indicia in the package for the PSO software, including copyright notices, a promotion for a game "coming in 2001," and a sweepstakes entry instruction sheet with a deadline for entry of "March 31, 2001," it is my opinion that the manual was made available to the public in late 2000/early 2001 and at least as early as March 31, 2001.

I hereby declare under the penalty of perjury 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.

Date: June 1, 2023

Alexander Harry

Attachment A

Alexander Harry

Phone: 503.502.7480 • E-Mail: aharry@gttgrp.com

Profile

Registered US Patent Agent (No. 73113) with fifteen years of experience in the patent practice, including drafting and prosecuting patents and ensuring positive relationships with a wide range of clients.

Experience

Sr. Patent Analyst/Director, GTT Group — November 2023 – Present

- Manage patent analysis projects, including developing procedures and processes related thereto
- Analyze patents for a variety of purposes, including brokerage campaigns, portfolio mining, and others
- Perform prior art, invalidity, patentability and other searches
- Serve as a subject matter expert (SME) to assist various start-ups in their patent needs through Ideaship, including drafting Innovation Catalogs, investigation of potential patentability and other patent support services.

Patent Analyst (Contractor), GTT Group — October 2020 – November 2023

- Analyze various patent assets for potential marketability
- Perform prior art, invalidity, patentability and other searches

Patent Agent, Lane Powell — June 2017 – April 2020

- Draft complete US and foreign patent applications, including claims and specifications, in various technical fields
- Prepare amendments and responses to incoming US and foreign prosecution
- Patent analysis including preparing non-infringement opinions

Patent Agent, Lee & Hayes — October 2016 - Present

- Draft complete US and foreign patent applications, including claims and specifications, in various technical fields
- Prepare amendments and responses to incoming US and foreign prosecution

Patent Agent, Marger, Johnson & McCollom, PC — September 2014 – October 2016

- Draft complete US and foreign patent applications, including claims and specifications, in various technical fields
- Prepare amendments and responses to incoming US and foreign prosecution

Technical Assistant, Marger, Johnson & McCollom, PC — February 2008 – September 2014

- Assisted attorneys with drafting and prosecuting patent applications, including writing patent applications and drafting responses to incoming US and foreign prosecution
- Corresponded with clients, USPTO examiners and foreign associates on client matters, deadlines and responses

Education

B.S., Mechanical Engineering, Oregon State University — September 2003 – June 2007

Pursued a concentration in mechanical engineering design.

Postbaccalaureate coursework, Portland State University — September 2007 – September 2008

Completed pre-medical coursework, including organic chemistry, anatomy/physiology, genetics, and cell biology

Skills

Adept at the USPTO Electronic Filing System and using the US and Foreign patent information systems to retrieve needed information. Skilled in the use of various search tools, including AcclaimIP to perform various patent-related searches.

Attachment B

This item is no longer available.

Seller's other items

Sell one like this

Phantasy Star Online (Sega Dreamcast, 2001) NEW/SEALED *Damage

matthewsmerc (11118
99.1% positive feedback

$139.99 Free shipping

Condition **Brand New**

About this item

Condition	Brand New
Item Number	134528085287
Region Code	NTSC-U/C (US/Canada)
Manufacturer Warranty	None
Custom Bundle	No

Item description from the seller

Has flaws with cellophane & jewel case as pictured. Brand new

See full description

Shipping and Returns

Est. delivery	Thu, Apr 27 - Sat, Apr 29 From Decatur, Alabama, United States
Returns	Seller does not accept returns This item is covered by eBay Money Back Guarantee

Shop with confidence

eBay Money Back Guarantee
Get the item you ordered or your money back

About the seller



matthewsmerc (11118
99.1% positive feedback

Save seller

Contact seller

Visit store

Seller's other items

Detailed seller ratings

Average for the last 12 months

Accurate description	4.9	Reasonable shipping cost	5.0
Shipping speed	5.0	Communication	5.0

Seller feedback (11,685)

All ratings

n***i (2886) Past month

good deal thank you AAAAA+++++

Air Conflicts Double Pack Sony PS4 PlayStation 4 VIETNAM & PACIFIC CARRIERS WAR (#134532069123)

_***_ (20) Past month

PERFECT TY As described!!

Top Gun With Manual And Sleeve (Nintendo NES, 1987) Authentic w/ Sleeve (#134517501903)

4***4 (3) Past month

Fast dispatch, great packaging. Thank you!

Dicey Dungeons (Nintendo Switch, 2022) Super Rare Games SRG #76 (#134313293026)

See all feedback

Financing

Select PayPal Credit at checkout to have the option to pay over time.
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New
$11.00
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Seller with a 100% positive feedback

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Photo Print

New
$15.96
+ $5.95 shipp
Top Rated
Seller with a 1

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Enjoy amazing combat system, rewarding story and passionate community for free! Join its passionate community and experience its...

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GameFly™ - Official Site - Rent Video Games By Mail Today

Choose From Thousands of Games & Movies. Start A Free Trial Today. Cancel Anytime. Try GameFly Today, Free For 30 Days. Start...

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Home Canning
Digital Camera
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Buy **phantasy star** 2 **online** from a huge variety of products at the cheapest price. Find the top rated brands and products all in one place - quick and easy. Free Shipping. Up To 70% Off.

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Find The Lowest Price
Best Electronics Deals
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Sega Dreamcast Phantasy Star Online Video Games

Sega Dreamcast Role Playing Phantasy Star Online Video Games

Phantasy Star Online SEGA Video Games

Phantasy Star Online SEGA Video Games 2001 Release Year

Phantasy Star Online SEGA 2016 Video Games

Role Playing Phantasy Star Online SEGA Video Games

Phantasy Star Online Video Games

Nintendo GameCube Phantasy Star Online Video Games

Sega Genesis Phantasy Star Video Games

Boxing Phantasy Star SEGA Video Games

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Attachment C


US POSTAGE PAID
Pitney Bowes
NO SURCHARGE
USPS FIRST-CLASS PKG
Matthew's Merch
2947 Lynnwood Cir SW
Decatur AL 35603-1265
0006
C048
ALEX HARRY
919 SW TAYLOR ST STE 900
PORTLAND OR 97205-2566
USPS TRACKING #
9400 1092 0556 8433 5616 25
ebay
Dreamcast
PHANTASY STAR ONLINE
Sonic Adventure 2
SEGA
T

Attachment D


ONLINE
MULTI-PLAYER
SONIC TEAM
Dreamcast
PHANTASY STAR™
ONLINE
ファンタシースターオンライン
Sonic™ Adventure 2
Demo Included
SEGA
TEEN
CONTENT RATED BY ESRB
51100




YOU ARE NOT THE ONLY HERO...
Pioneer 2 finally completed its long voyage to the new home world. But as the ship entered orbit, an enormous explosion shook the entire planet, and all contact with the thousands of people already there was lost. Now, in the first worldwide online console RPG, players from around the globe must unite to discover what has happened. Phantasy Star Online continues in the tradition of one of the most popular series of all time, and becomes a revolutionary and truly global gaming experience in an online, persistent world.
Locate team members on servers that each support up to 1,000 players simultaneously.
Real-time combat featuring many of the original weapons and enemies from previous Phantasy Star games.
Revolutionary communication system breaks down language barriers.
Create your own character by modifying race, profession, body proportion, hair, outfit, and more.
Play online, offline, or a combination of both.
1 Player
Online Multi-Player
VMU required 45 blocks
VGA Box
Keyboard
Jump Pack compatible
Modem
Standard Controller
TEEN
ANIMATED BLOOD
ANIMATED VIOLENCE
Visit www.esrb.org or call 1-800-771-3772 for Rating information.
0 10086 51100 0


Dreamcast.
PHANTASY STAR ONLINE™
51100
SEGA

Attachment E-N

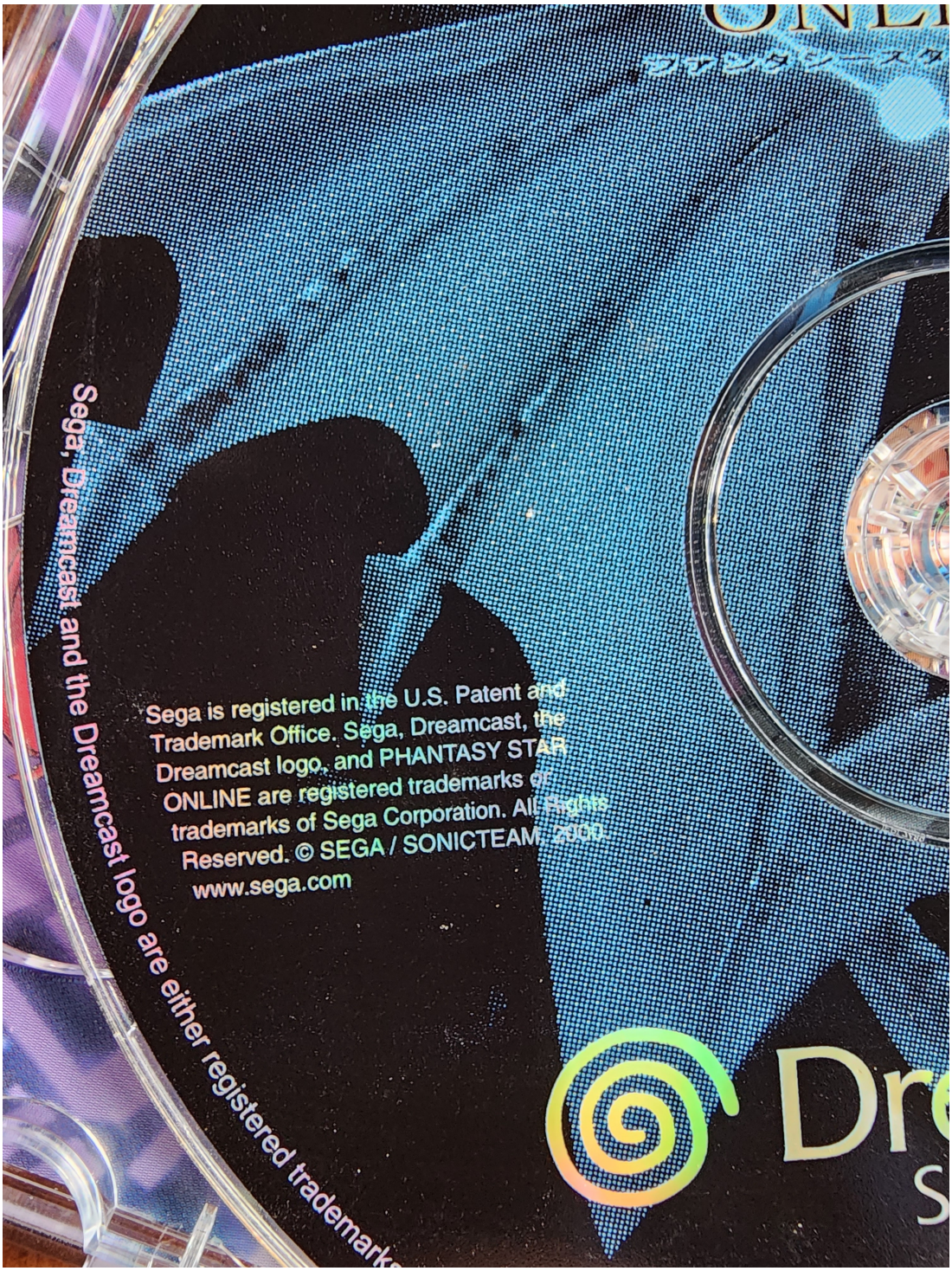
Attachment E


ONLINE
MULTI-PLAYER
SONIC TEAM
Dreamcast
PHANTASY STAR ONLINE
ファンタシースターオンライン
Sonic Adventure 2
Demo Included
SEGA
TEEN
T
CONTENT RATED BY ESRB
51100

Attachment F

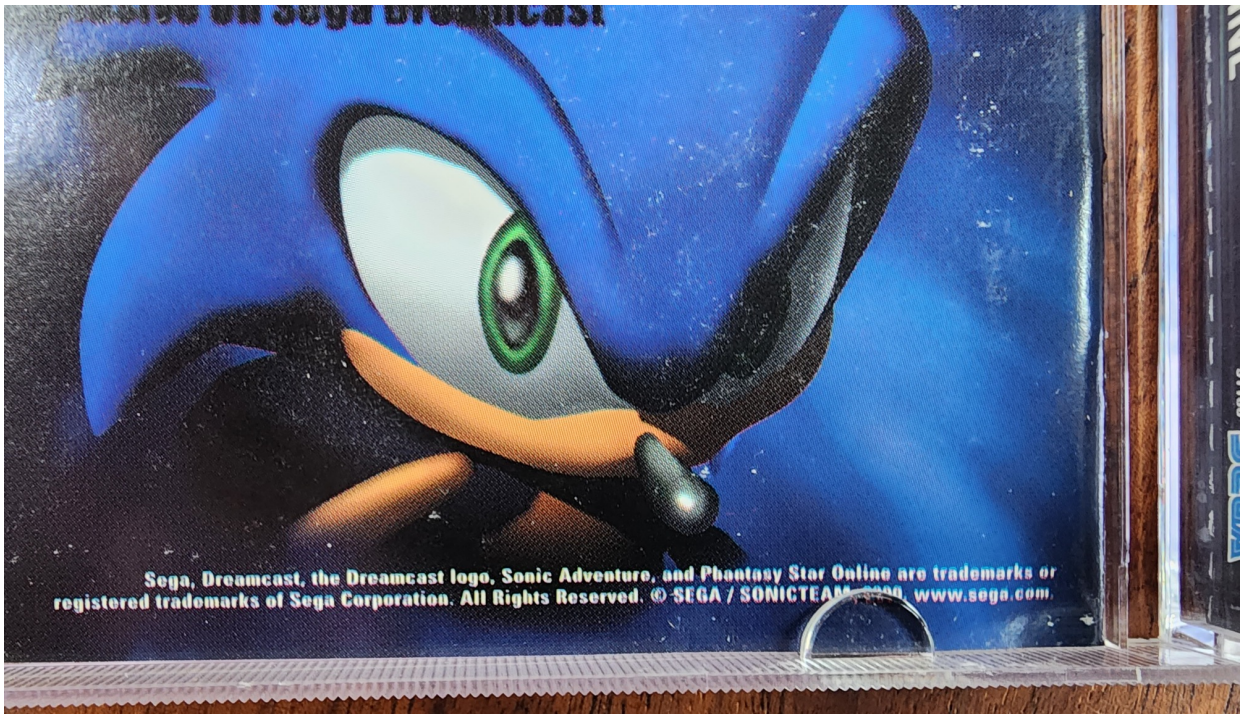

SONIC TEAM
SONIC ADVENTURE 2
coming 2001
Sega Dreamcast
10TH SONIC
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PHANTASY STAR ONLINE
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Attachment G


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www.sega.com
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Attachment H

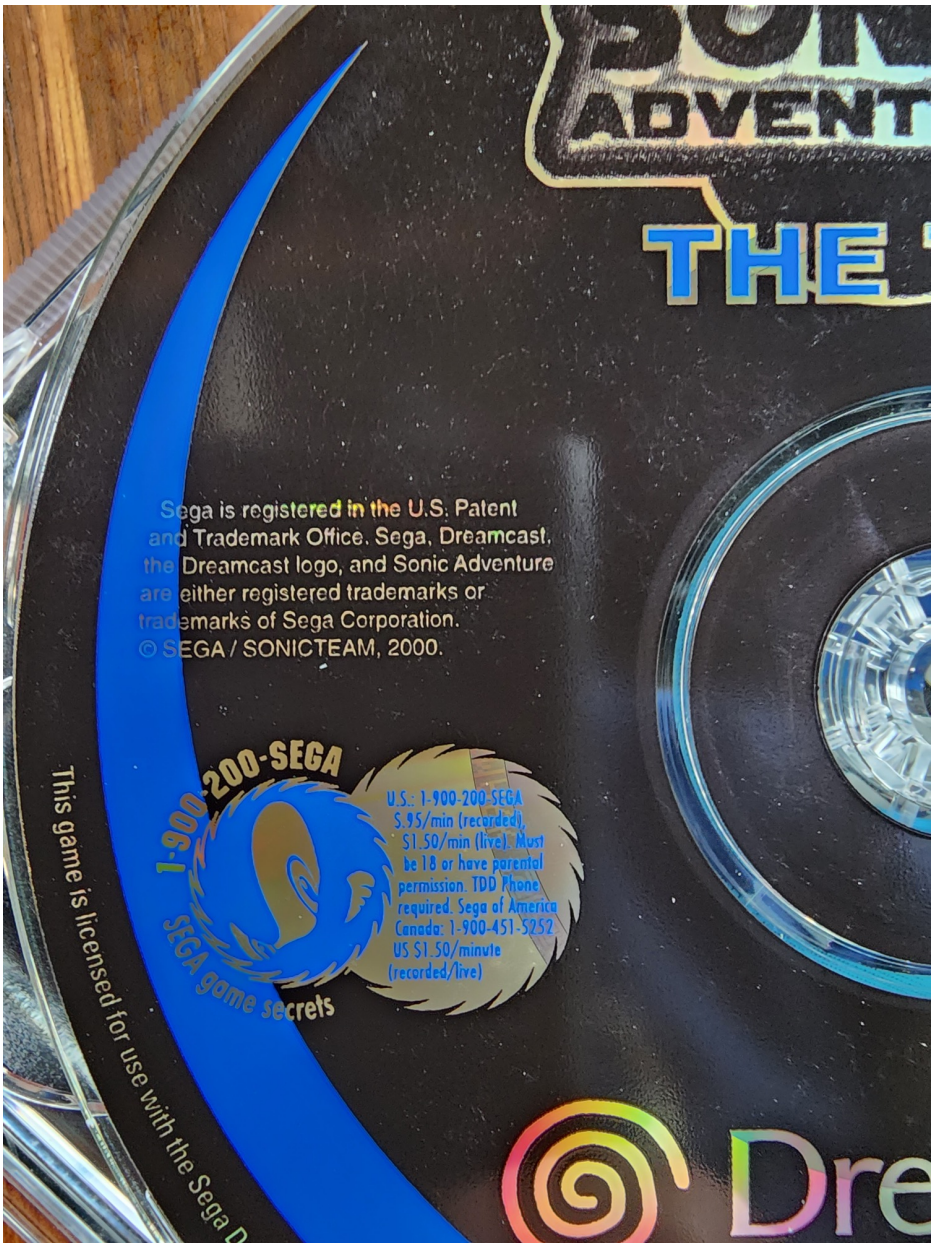

SONIC TEAM
SONIC ADVENTURE 2
coming 2001
Anniversary
10TH
SONIC
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Attachment I


SONIC TEAM
SONIC ADVENTURE 2
THE TRIAL
Dreamcast
Sega.com
SEGA
SONIC TEAM
Dreamcast

Attachment J


ADVENT
THE
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© SEGA / SONICTEAM, 2000.
1-900-200-SEGA
SEGA game secrets
U.S.: 1-900-200-SEGA $.95/min (recorded), $1.50/min (live). Must be 18 or have parental permission. TDD Phone required. Sega of America Canada: 1-900-451-5252 US $1.50/minute (recorded/live)
This game is licensed for use with the Sega
Dre

Attachment K

Please Fold on dotted line and tape closed to mail.

SWEEPSTAKES RULES

NO PURCHASE NECESSARY

1. HOW TO ENTER: No purchase necessary to enter. Complete the Sega Registration Card to be automatically entered in the sweepstakes, or legibly hand-print your name, address and zip code on a 3 1/2" x 5" postcard and mail to: Sega Free Arcade Sweepstakes Offer, P.O. Box 489004, Dept. KGB, Denver, CO 80248-9904. Sega of America Dreamcast, Inc. ("Sponsor") not responsible for lost, late, damaged, misdirected, illegible, incomplete or postage-due mail in entries. No mechanically reproduced entries accepted. Entries must be reached by March 31, 2001, when the sweepstakes ends.

2. ELIGIBILITY: Open to legal residents of the U.S. only, except employees of Sponsor, its affiliates, subsidiaries, agencies, persons living in the same household, and the families of each. Void where prohibited. All federal, state and local laws apply.

3. MONTHLY AND GRAND PRIZE DRAWINGS: A random drawing will be held each month from April 1, 2000 to March 31, 2001, from entries received during the previous month. Odds of winning a monthly drawing depend upon the number of entries received for the applicable monthly drawing. The Grand Prize Drawing will be conducted in April 2001 from among all entries received. Odds of winning the Grand Prize depend upon the total number of entries received throughout the promotional period. If Grand Prize is won by a minor, prize will be awarded to parent or legal guardian. Potential winners must sign any required Winner's Agreement and Release within 14 days of attempted delivery or prize will be forfeited and an alternate selected. Winners will be notified by mail within one month of each drawing. No substitution or transfer of prize permitted, unless prize is generally unavailable, in which case a prize of equal or greater value will be substituted. All taxes are the sole responsibility of winner. By entering sweepstakes, entrant accepts and agrees to these Official Rules and the decisions of Sponsor, which shall be final in all matters. Acceptance of prize constitutes permission to use winner's name and likeness for advertising/trade purposes without further compensation, unless prohibited by law.

4. PRIZES: One (1) Grand Prize: a Sega Emergency Call Ambulance Arcade Machine. Approx. Retail Value (ARV): $7,000.00. One hundred twenty (120) Monthly First Prizes (10 each month): a Sega Dreamcast video game. ARV: $49.99 each. Sixty (60) Monthly Second Prizes (5 each month): Sega Dreamcast T-shirt. ARV: $15.00 each. Total prize value $14,000.00. Limit one prize per family/household. All prizes will be awarded.

5. WINNERS' LIST: For the name of major prize winners, send a self-addressed, stamped #10 envelope to Sega Free Arcade Sweepstakes Winners' List, P.O. Box 173133, Denver, CO 80217-3133.

Sponsor: Sega of America Dreamcast, Inc., P.O. Box 489004, Denver, CO 80248-9904.

Please Fold on dotted line and tape closed to mail.

Attachment L

5. Which Dreamcast product did you purchase?

6. Which of the following products do you currently own? And which of the following products are you very or somewhat likely to buy within the next year?

	Own	Intend to Buy		Own	Intend to Buy
Sega Saturn™ System	1. ☐	1. ☐	Super Nintendo Entertainment System®	5. ☐	5. ☐
Sega Genesis®	2. ☐	2. ☐	Sony PlayStation®	6. ☐	6. ☐
Nintendo 64®	3. ☐	3. ☐	Sony PlayStation II	7. ☐	7. ☐
Nintendo Dolphin	4. ☐	4. ☐			

7. What is your favorite type of game? *(check only 1 response)*

1. ☐ Action/Adventure
2. ☐ Arcade
3. ☐ Fighting
4. ☐ Racing
5. ☐ Role Playing/Strategy
6. ☐ Shooter
7. ☐ Simulation
8. ☐ Sports

8. What type of computer do you own?

1. ☐ Mac
2. ☐ PC, 266 MHz or lower
3. ☐ PC, 300 MHz or higher
4. ☐ Do not own

9. Do you currently have access to the Internet? 1. ☐ Yes 2. ☐ No

10. Do you access the Internet to play games online? 1. ☐ Yes 2. ☐ No

11. Would you want to receive e-mail from Sega? 1. ☐ Yes 2. ☐ No
If yes, tell us your e-mail address:

If you are 12 years old or under, you need your parent's or legal guardian's permission to provide us with this information. We may use this to provide you with information on Sega's products and services and to inform you of special offers. For more information, please see our on-line privacy policy at www.sega.com.

I am the parent/legal guardian of the person listed above and consent to the provision and use of the information as described above:

Parent/Legal Guardian Signature

Thanks for taking the time to fill out this card.

☐ Please check here if you would prefer not to make this information available to others.

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