UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,
Petitioner,

v.

NEC CORPORATION,
Patent Owner.

Case No. IPR2023-01240
Case No. IPR2023-01241

Patent No. 9,769,427

DECLARATION OF KUNIHIRO TANIGUCHI

I, Kunihiro Taniguchi, declare as follows:

1. I have personal knowledge of the facts set forth herein, and if called to testify, I could and would competently testify to the same.

2. I am an inventor of Japan Patent Application No. 2008-294270, filed November 18, 2008 ("JP'270 Application"), and U.S. Patent No. 9,769,427 ("'427 Patent") claiming priority to the JP'270 Application, along with co-inventors Messrs. Kazushige Ishikawa and Kazuo Asami.

3. I am a national of Japan, and have been domiciled in Japan since 2002, including for the entirety of the year 2008.

4. I graduated in March 1991 from The University of Electro-Communications of Japan, with a Master's Degree in Electronic Information, and joined NEC during that same year. Over my years at NEC, I have worked at the Central Research Laboratories ("CRL") most of the time and continuously from October 2002 to March 2020.

5. Specifically, from April 2005 to March 2007, I was an Expert researcher in the Internet Systems Laboratory of the CRL. From April 2007 to September 2009, I was a Manager researcher in the Service Platform Laboratory of the CRL.

6. During my time at the Service Platform Laboratory, my main research area was Internet Protocol Television ("IPTV") systems, on which I worked full time in 2008. In addition, during that time, my duties also included participation in

Telecoms & Internet converged Services & Protocols for Advanced Networks ("TISPAN") standard-setting activities of the European Telecommunications Standards Institute ("ETSI") and serving as an editor of documentation on inter-carrier or inter-vendor interconnection testing of IPTV for the Multi-Service Forum ("MSF"), a telecommunications industry association promoting open architecture and interoperability in next-generation networking products and services.

7. The focus of my research on IPTV system was to find ways to improve efficiency of video services platforms and to enhance the commercial value of such services.

8. At that time, it was known in the art to store a user profile (such as demographic information like age and gender) and the user's history of access to certain contents (such as advertisements) in a database, and provide streaming services based on such information. It was also known in the art to customize, target, or adapt content, such as advertisements, for particular users based on the user profiles.

9. By early August 2008, Mr. Kazushige Ishikawa, Mr. Kazuo Asami and I discussed that, if the playlist information is superimposed on an INVITE message while the core IP Multimedia Subsystem ("IMS") server executes the bandwidth guarantee process, this would improve upon prior systems.

10. We reduced a complete formulation of this idea to writing in early August 2008 in the form of a presentation dated August 6, 2008, which is Exhibit 2012 entitled "Method for Changing Streaming Ads from User Profiles" ("Invention Presentation"). In connection with preparing this declaration, I personally extracted the electronic file of the Invention Presentation from my laptop computer and confirmed the metadata of the document by right clicking on the file, opening the "Property" dialogue, and reviewing the metadata, a screenshot of which is submitted as Exhibit 2014.

11. The Invention Presentation was completed by August 6, 2008, on which day I presented the Invention Presentation to others within NEC at an internal NEC meeting.

12. Following the August 6, 2008 presentation, we determined that the concepts in the Invention Presentation were likely patentable, and the decision was made to pursue patent protection. I therefore began, in mid-August 2008, to draft a technical specification document setting out additional background and implementation details, including those already well known in the industry. This technical specification document became the basis of the specification of the JP'270 Application.

13. Between late August and the beginning of November 2008, I continued to draft and revise the specification document. I did so while fulfilling my other full-

time responsibilities at NEC, spending nearly 100% of my time from August 2008 until November 2008 on additional or related research projects for IPTV—including research projects and analyses related to IPTV standardization, IPTV best practices, as well as IPTV service and distribution technologies.

14. In addition to these responsibilities, during the period of time between late August and the beginning of November 2008, I continued to participate in industry association activities related to IPTV, including ETSI TISPAN standard-setting activities. For example, I worked on, and submitted Change Request documents to ETSI proposing changes to the TISPAN standards.

15. I finished a complete first draft of the technical specification for the invention on November 6, 2008, which is submitted as Exhibit 2016. I have reviewed Exhibit 2016 and confirmed that it was the document I completed on November 6, 2008, which was then transmitted to NEC's patent attorneys, Baba International Patent Office ("Baba").

16. I had a meeting with Baba's attorneys on November 10, 2008 regarding the November 6, 2008 draft, which resulted in proposals for additional revisions of technical details and embodiments, which we diligently worked on over the following week, culminating in the filing of the JP'270 Application.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I understand that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the patent.

Kunio Taniguchi

KUNIHIRO TANIGUCHI
Date: April 25, 2024
Tokyo, Japan