

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-Mobile USA, Inc., AT&T Services Inc., AT&T Mobility LLC, AT&T Corp.,
Cellco Partnership d/b/a Verizon Wireless, Nokia of America Corporation,
Ericsson Inc.
Petitioners

v.

Cobblestone Wireless, LLC,
Patent Owner

Case IPR2024-00137
U.S. Patent No. 9,094,888

**DECLARATION OF Benoist Sébire IN SUPPORT OF
PETITION FOR INTER PARTES REVIEW OF
UNITED STATES PATENT NO. 9,094,888**

IPR2024-00137
Petitioners' Ex. 1006
Ex.1006.00001

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TABLE OF EXHIBITS

Ex. No.	Description
1201	3GPP Partnership Project Description
1202	3GPP Working Procedures 2022
1203	Introducing 3GPP Webpage
1204	Recommendation for IPv6 in 3GPP Standards (Archived)
1205	Myung, H. & Goodman, D., Single Carrier FDMA – A New Air Interface for Long Term Evolution (2008)
1206	RAN WG2 Homepage
1207	RAN2 Meeting #73 (Taipei) Participants List
1208	3GPP FAQs (Archived Webpage - 2008)
1209	3GPP Specifications (Archived Webpage - 2008)
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1212	3GPP Specification Numbering (Archived Webpage - 2008)
1213	3GPP Specification Series (Archived Webpage - 2008)
1214	3GPP Version Numbering Scheme (Archived Webpage - 2008)
1215	Hillebrand, F., ed., GSM and UMTS: The Creation of Global Mobile Communication (2002)
1216	3GPP Partners Webpage
1217	3GPP Homepage (Archived Webpage – February 2011)
1218	3GPP Advanced Search (Archived Webpage – March 2011)
1219	3GPP FTP Index (Archived Webpage – 2008)
1220	3GPP FTP RAN WG (Archived Webpage – 2008)
1221	3GPP FTP TSG RAN WG2 RL2 (Archived Webpage – 2008)
1222	3GPP FAQs Webpage
1223	3GPP TS 36.300 V10.3.0
1224	3GPP FTP TS 36.300 Directory Listing
1225	3GPP FTP TS 36.300 (Archived Webpage - 2014)
1226	RP-110855, Report of 3GPP TSG RAN meeting #51
1227	3GPP Specification by Series
1228	3GPP Directory Listing of Final Specifications After RAN#51

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I. INTRODUCTION

I, **Benoist Sébire**, hereby declare as follows:

1. I am an employee of Nokia Solutions and Networks (“Nokia”) and have been asked to submit this declaration on behalf of Petitioners Nokia of America Corporation, T-Mobile USA, Inc., AT&T Services Inc., AT&T Mobility LLC, AT&T Corporation, Cellco Partnership d/b/a Verizon Wireless, and Ericsson Inc, related to *Inter Partes* Review (“IPR”) of U.S. Patent No. 9,094,888 (the “’888 Patent”).

2. I am not being compensated for my work in this matter apart from my regular salary and benefits as a Nokia employee. My continued employment or compensation at Nokia is not contingent on the substance of my statements in this matter.

3. In the preparation of this declaration, I have reviewed 3rd Generation Partnership Project (3GPP) Technical Specification (TS) 36.300 V10.3.0.

4. I have considered:

a) The exhibits listed above;

b) My own academic background, knowledge, and professional experiences in the field of wireless communications and 3GPP standards-development, as described below.

5. My statements are supported by the information in this declaration in its entirety.

6. I have been asked to assume that the '888 patent is entitled to its earliest alleged priority date of April 29, 2011.

II. BACKGROUND AND QUALIFICATIONS

7. The following is a summary of my relevant qualifications and professional experience.

8. I earned my Diplôme Universitaire de Technologie (DUT) from Caen-Normandy University in 1994. In 1997, I earned my Master of Science in Electrical, Electronics, and Communications Engineering from the National School of Applied Science and Technology.

9. After graduating with my master's degree, I worked as an Army Scientist for the National Gendarmerie, a branch of the French Armed Forces, where I developed radio communication software for the military in French Polynesia.

10. In 1998, I joined Nokia as a Research Engineer. Once at Nokia, I became involved in the 3rd Generation Partnership Project (3GPP). Within 3GPP, I have served as a delegate for nearly 25 years, actively participating in SMG2, GERAN, RAN1, and RAN2. As a delegate, I would author and present technical contributions in support of Nokia's research and development activities for the 3GPP

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standard. In addition to my work as a delegate, I also served as work item and specification rapporteur within 3GPP. In these roles, I acted as the prime contact point on technical matters and for information on progress throughout the development and drafting phases of various work items and technical specifications.

11. I was promoted to Principal Engineer at Nokia in 2003 as my work became more focused on 3G radio protocols. During this time, I also served first as a RAN Working Group 1 delegate, then as a RAN Working Group 2 delegate working on the standardization of High-Speed Uplink Packet Access, which provided a major increase in data rate and overall performance for 3G UMTS networks. Later, I also became the first 3GPP LTE Stage 2 Rapporteur. In this role, I was entrusted by the 3GPP community to articulate and diagram the foundational aspects of the 4G LTE radio protocols.

12. In June 2022, I was promoted within Nokia again to Distinguished Member of Technical Staff. My current title within Nokia is Senior Specialist, Standardization. Since 2006, I have held various official positions in Nokia and 3GPP. I serve as the head of Nokia RAN Working Group 2 (“RAN2”) Delegation, in which role I am in charge of a team of approximately 20 delegates taking care of Radio Interface architecture and protocols standardization activities in Nokia.

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13. I was also the 3GPP Vice Chairman in 3GPP RAN2 from 2009 to 2011, and I have served as the 3GPP Stage 2 (for both LTE/4G and NR/5G) and XR Rapporteur in RAN2. Within the 3GPP Technical Specification Group Radio Access Network (TSG RAN), RAN WG2 (RAN2) is, and has been since I have been involved in 3GPP, in charge of the Radio Interface architecture and protocols, the specification of the Radio Resource Control protocol, and the Radio Resource Management Procedures. Ex. 1206. RAN2 is currently responsible for the development and maintenance of the 3GPP Technical Specification (TS) 36.300, entitled “Evolved Universal Terrestrial Radio Access (E-UTRA) and Evolved Universal Terrestrial Radio Access Network (E-UTRAN); Overall description Stage 2”. RAN2 was responsible for the development and maintenance of TS 36.300 prior to April 2011 and thereafter.

14. I was the Stage 2 Prime Rapporteur in RAN2 responsible for drafting and updating TS 36.300 from the very beginning in 2006 until 2017, and in 2023 again. As a part of my duties and responsibilities in this role, I accessed draft and final versions of TS 36.300, and other Technical Specifications on a routine basis.

15. Through my extensive work and leadership within 3GPP, I am very familiar with 3GPP’s practices relating to making final specifications, draft

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standards, and standard-related contributions publicly available, including in the time frame of 2000 to present.

16. For the purposed of my analysis in this declaration, I have been informed by counsel that a person of ordinary skill in the art (“POSITA”) in the field of the ’888 Patent in approximately 2011 would have had at least a bachelor’s degree in electrical engineering, computer engineering, computer science, physics, or the equivalent, and at least two years of experience working in the fields of telecommunications and networking, radio-access networking, and/or service provisioning in wireless networks. A POSITA would also have familiarity with the 3GPP technical specifications and processes. This definition is approximate, however, and more education may substitute for industry experience, and vice versa.

III. PUBLIC AVAILABILITY OF TS 36.300

17. Based on my experience working in different capacities on 3GPP standards, I am familiar with the regular business practices of 3GPP relating to technical documents, including technical specifications, draft standards and proposals, and standards-related technical contributions. This experience includes 3GPP’s business practices through which 3GPP makes these documents public.

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A. PURPOSE OF 3GPP

18. 3GPP was formed in December 1998 to produce Technical Specifications and Technical Reports for the Universal Mobile Telecommunications System (UMTS), a 3G Mobile System based on evolved GSM core networks and a new radio access network known as UTRA (UMTS Terrestrial Radio Access). Ex. 1201 (3GPP Partnership Project Description). Different standards organizations cooperated and produced a set of globally applicable Technical Specifications that would then be turned into standards by the relevant standardization bodies (also known as “Organizational Partners”). 3GPP has developed and continues to maintain various cellular communication specifications, including GSM & GPRS/EDGE (2G), UMTS (3G), LTE (4G), and NR (5G).

19. 3GPP is a partnership between organizational partners, market representation partners and individual members such as companies. Ex. 1202 at 8-9 (3GPP Working Procedures). Today, 3GPP unites seven global telecommunications standard development organizations (“Organizational Partners”) that define, publish, and set standards for their respective regions. Ex. 1203. 3GPP market representation partners represent various industry perspectives and offer market advice, and individual member companies participate in 3GPP through their membership in a 3GPP Organizational Partner. Ex. 1202; Ex. 1216.

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20. 3GPP's technical standards cover cellular telecommunications networks, including User Equipment (UE) technologies, Radio Access Network (RAN) technologies, Core Network (CN) technologies, and service and system capabilities. The specifications also detail interworking with non-3GPP networks, such as Wi-Fi networks.

21. Global standardization of these promotes interoperability worldwide. This means that standardization enables network elements, such as network equipment and User Equipment, from different suppliers to interact. This benefits users as well as the mobile communications industry as a whole. In short, standards enable new technology, as new terminals and network systems could not be developed without standards to make these new technologies interoperable with other, existing network technologies.

22. Given the prominence and importance of 3GPP in the wireless communication industry, beginning in 1998 and continuing through today, interested POSITAs were tracking the developments of the latest 3GPP specifications. By tracking 3GPP specifications and reports, POSITAs ensured that the standards reflected their employers' technology goals. A POSITA in cellular communications industry would have been familiar with 3GPP and the technical specifications to perform their job. Without access to and knowledge of the 3GPP documentation,

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including for example the substantive contents of 3GPP technical specifications, an engineer could not contribute to the technology's growth and development, or to the growth and development of products that relied on the standards. Because 3GPP documents were an important aspect of a POSITA's professional experience, textbooks and articles about cellular communications commonly directed readers to the 3GPP website for information regarding standards development. Ex. 1201.

23. My personal experience at Nokia confirms 3GPP's prominence in the wireless industry. Engineers and managers at Nokia responsible for the development of 3G and LTE and acting as delegates, would have attended the 3GPP plenary and/or working group meetings, access the documents for those meetings, and freely discuss those documents internally with other Nokia engineers by sharing them (either directly if the delegate downloaded the documents, or indirectly through hyperlinks pointing towards the FTP server of 3GPP where all meeting documents are stored). In this way, the team of delegates attending the meetings could share the publications and information acquired from the meetings with other POSITAs within Nokia.

B. 3GPP'S POLICY OF MAKING DOCUMENTS PUBLIC

24. 3GPP's policy is to make 3GPP documents, like TS 36.300, available to the public, including to interested POSITAs. These documents were freely

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available, and the free availability of 3GPP documents to any interested member of the public was widely recognized in the industry. The purpose of 3GPP was worldwide adoption of a common standard, therefore no restrictions on distribution or discussion were placed on 3GPP documents. In fact, dissemination and sharing of 3GPP document was specifically encouraged and necessary for creating an industry-wide standard. By making the documents available to the public 3GPP encouraged technical development and discussion and collaboration among 3GPP Working Group members, as well as other interested POSITAs. There were no, and are no confidentiality requirements with respect to 3GPP documents.

25. I personally have shared 3GPP documents with Nokia colleagues not attending 3GPP meetings in person, and 3GPP documents have always been freely shared among colleagues at Nokia since I have worked there.

C. 3GPP STRUCTURE AND STANDARDS DEVELOPMENT PROCESS

26. Within 3GPP, responsibility for producing specifications was delegated to Technical Specifications Groups (TSGs). Ex. 1202 at 13 (“TSG Tasks”). The TSGs prepare, approve and maintain the 3GPP Technical Specifications and Technical Reports taking into account the market requirements provided by Market Representation Partners if needed. Each TSG is further divided into a number of

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Working Groups (“WGs”), which further divides the work of 3GPP by subject matter among the different WGs. POSITAs would have been aware of the division of work by subject matter among the TSGs and among the WGs. A description of the Working Group’s focus area could be found on the WG home pages on the 3GPP website. *See, e.g.*, Ex. 1206 (RAN WG2 Homepage); Ex. 1205 at 176. For example, RAN WG2 (also called “RAN2” or “R2”) has been “in charge of the Radio Interface architecture and protocols (MAC, RLC, PDCP)” including “the specification of the Radio Resource Control (RRC) protocol.” Ex. 1206 at 1.

27. The TSGs held quarterly plenary meetings. At those meetings, member companies’ contributions, draft specifications and reports that had been agreed upon by the Working Groups were presented for approval. Ex. 1202 at 23 (“Deliverable Types,” stating that Technical Specifications and Technical Reports are “drawn up by the TSGs” and are approved by the TSGs). Once a Technical Specification was approved by TSG Plenary, the latest version of said Technical Specification would be uploaded to the 3GPP file server. In that way, the conclusion of 3GPP TSG plenary meetings serve as notice that new versions of specifications will shortly be made available on the public 3GPP server. The Working Groups also met regularly. The attendees at these meeting were engineers representing telecommunications companies such as Nokia. *E.g.*, Ex. 1207 (listing the number of delegates that

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registered and attended RAN WG2 meeting #73). These meetings and Working Group meetings often had over a hundred delegates in attendance. Ex. 1207 (listing 222 delegate participants at RAN WG2 Meeting #73 in Taipei from February 21-25, 2011). These delegates were and would have been POSITAs.

28. Delegates could submit contributions on behalf of the Individual Members. Members usually wanted to contribute to the standard and to make suggestions as to what technology should (or should not) be included based on the member's needs. Delegates also attended the 3GPP meetings to keep their employers updated on developments. Companies and POSITAs alike would have been motivated to stay up to date on these 3GPP developments to ensure products in development remained consistent with and relevant to the standards.

29. Although attendance at 3GPP meetings was generally limited to 3GPP members, the public, including POSITAs, would have been made aware of Working Group meeting dates and times as well as the technical documents it produced on 3GPP's website. Ex. 1205 at 177.

D. TYPE OF 3GPP DOCUMENTS - TECHNICAL SPECIFICATIONS

30. As I noted in paragraphs 18-25, a primary purpose of 3GPP is to prepare, approve, and maintain globally applicable Technical Specifications and

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Technical Reports. Ex. 1202, at 7 (3GPP Working Procedures, “Purpose”). A “Technical Specification,” is “[a] 3GPP output document containing normative provisions approved by a Technical Specification Group.” Ex. 1202, at 28.

31. It was widely known that Technical Specifications (and Technical Reports) were publicly available on 3GPP's website. Ex. 1208, at 6-8 (3GPP FAQs); Ex. 1209, at 1-2 (3G Specifications page with links to location of specifications on 3GPP's public file repository). It was also well known that the latest version of a given specification would be made available following each TSG Plenary meeting.

32. Technical specifications, and revisions of technical specifications, could be easily accessed from the 3GPP website. In 2011, the specifications page could be reached from the 3GPP website's home page by clicking “Specifications” in the toolbar. Ex. 1210. The Specifications page provided a direct link to the specifications area in the 3GPP website's file repository. Ex. 1209.

33. Based on the subject matter the POSITA was interested in, a POSITA would know which specification contains that information. First, an interested POSITA would have followed updates from the particular Working Group responsible for the specific technology of interest. Additionally, an interested POSITA could have narrowed the set of relevant specifications based on the series number of the specification. Ex. 1212 (chart identifying subject matter

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corresponding to each series number). From there, a POSITA could have followed the link to the relevant series and browsed the titles and descriptions. Ex. 1213.

34. The numbering scheme was also readily available to a POSITA. Ex. 1212, at 1.

35. The specifications were stored on the 3GPP website's file repository as zipped files, where the filenames followed the structure: SM[-P[-Q]]-V.zip. "S" represented the series number; "M" represented the part after the series number); "P" represented an optional part number; "Q" represented an optional sub-part number; and "V" represented the version number (without the separating dots). Ex. 1212, at 2.

36. The Working Groups would create incremental versions of the specifications (e.g., V0.6.6, V1.0.0, V1.1.0, etc.). These versions were made available on the 3GPP website's file repository as discussed above. The version number included three fields—the major version field, the technical version field, and the editorial version field. Ex. 1214, at 1. The major version field reflects the stage of the specification, with "0" representing an immature draft and a value of "3" or greater representing a specification that has been approved by the relevant TSG. Ex. 1214, at 1. The technical version field begins at zero and increases when a technical change is made to the specification (either as part of the drafting process or

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as part of an approved change request). Ex. 1214, at 1. The editorial version field begins at zero and is increased when a non-technical change is made to the specification (e.g., to fix a typo). Ex. 1214, at 1.

E. THE 3GPP WEBSITES PUBLIC FILE REPOSITORY

37. All technical specifications were also freely available to interested POSITAs and the public through the 3GPP FTP website. POSITAs would have been aware of 3GPP and of the 3GPP website. These documents were accessible without any login credentials or other exclusive access criteria. For example, an archived capture of the 3GPP website's home page on February 11, 2011 prominently featured a link to "Advanced FTP Search" (the green button) so that any who visited the website could click the link to "search and download specs, docs, CRs and more from the 3GPP ftp Server." Ex. 1217.

38. During the relevant 1211 timeframe, a POSITA's could have located relevant documents of interest of the 3GPP website by using reasonable diligence based on the website's indexing scheme or the Technical Specification's naming convention. The documents on the 3GPP website were (and remain) indexed and organized according to the relevant Working Groups within 3GPP because each WG focused on particular subject matter. The documents were further organized based on the meeting of those groups.

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39. An interested POSITA or member of the public could have located documents of interest by first navigating a web browser to the 3GPP website (www.3gpp.org/home.html). *See* Ex. 1217 (February 2011 Home Page Archive).

40. The file repository was indexed, for example, by types of documents. Specifically, a user could keyword search or search all documents indexed as Technical Specifications by selecting “Specs”:

The screenshot shows the 'Advanced search on 3GPP FTP site (excluding web site)' page. It features a green header with 'New search' and a sidebar with 'Search Options' including 'Advanced Search', 'Menu Assisted', and 'Natural Language'. The main search area includes four input fields for search criteria: 'with all the words', 'with the exact phrase', 'with at least one of the words', and 'without the words'. Below these are filters for file format (Any Format), update dates (Choose/Calendar), and location (Any Where). A list of document types is shown with checkboxes: 3GPP CMS, 3GPP Info, 3GPP Website, General Info, Specs (checked), Inbox, Meeting invitations, OP, PCG, TSG CT, TSG GERAN, TSG RAN (UTRAN/LTE), TSG SA, and Workshops and joint meetings. On the right, there are links for 'TSG CN (closed)' and 'TSG T (closed)'. At the bottom, there are options to 'Select/Unselect all', 'Use Word Tense Conflation', 'Use Thesaurus', and a 'Search' button.

Ex. 1218 (March 21, 2011 Archived Advanced Search webpage).

41. The 3GPP file repository was also indexed by subject matter. Specifically, an individual would select the relevant TSG covering the subject matter of interest:

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New search

Advanced search on 3GPP FTP site (excluding web site)

with **all** the words

with the **exact phrase**

with **at least one** of the words

without the words

Return files of the format

Return files updated after

Return files updated before

Return file where terms occur

Any Format

Choose

Choose

Any Where

☐ 3GPP CMS
☐ 3GPP Info
☐ 3GPP Website
☐ General Info
☐ Specs
☐ Inbox

☐ Meeting invitations
☐ OP
☐ PCG
☐ TSG CT
☐ TSG GERAN
☒ TSG RAN (UTRAN/LTE)
☐ TSG SA
☐ Workshops and joint meetings

☐ TSG CN (closed)
☐ TSG T (closed)

☐ Select/Unselect all

☐ Use Word Tense Conflation
☐ Use Thesaurus

Search

Search Options

Advanced Search

Menu Assisted

Natural Language

Ex. 1218.

42. If the individual were interested in the radio access aspects of 3GPP for LTE, they would select the box for “TSG RAN (UTRAN/LTE)” and click “Search.” Ex. 1218.

43. An interested POSITA or member of the public could have also accessed 3GPP documents through the web address <http://3gpp.org/ftp>. Ex. 1219 (October 2008 archive of webpage). There, a POSTIA or member of the public could navigate to the desired 3GPP documents based on document type or subject matter (similar to the 3GPP Advanced Search). For example, a user could navigate

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to Technical Specifications by clicking on “Specs” or could navigate to documents related to radio access aspects of 3GPP by clicking on the link to “tsg_ran”:

www.3gpp.org - /FTP/

[\[To Parent Directory\]](#)

20 October 2008	14:04	<dir> .Trash-root
03 October 2008	21:18	<dir> Inbox
08 October 2008	13:37	<dir> Information
29 March 2007	16:26	<dir> Invitation
05 April 2007	09:03	<dir> Joint Meetin
26 August 2008	09:30	<dir> Op
26 August 2008	09:29	<dir> PCG
24 September 2008	11:33	<dir> Specs
04 November 2007	18:34	<dir> tsg_cn
29 March 2007	20:22	<dir> tsg_ct
29 March 2007	20:44	<dir> tsg_geran
20 October 2008	14:04	<dir> tsg_ran
29 March 2007	23:33	<dir> tsg_sa
30 March 2007	00:25	<dir> tsg_t
17 October 2008	08:47	<dir> workshop

Ex. 1219 (October 2008 Web Archive) (annotated).

44. After a POSITA clicked “tsg_ran”, they would be brought to a webpage and could click on the particular RAN Working Group covering the subject matter of interest, such as RAN Working Group 2:

www.3gpp.org - /FTP/tsg_ran/

[\[To Parent Directory\]](#)

29 March 2007	20:44	<dir> AHG1_ITU_Coord
04 August 2008	08:59	<dir> TSG_RAN
20 September 2008	20:34	<dir> WG1_RL1
12 September 2008	11:22	<dir> WG2_RL2
04 August 2008	08:55	<dir> WG3_Iu
20 October 2008	08:33	<dir> WG4_Radio
21 October 2008	08:12	<dir> WG5_Test_ex-T1
29 March 2007	22:10	<dir> WGs_LongTermEvolution

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Ex. 1220 (annotated).¹ For example, if the individual were interested in the Radio Interface architecture and protocols (MAC, RLC, PDCP), the specification of the Radio Resource Control protocol, the strategies of Radio Resource Management and the services provided by the physical layer to the upper layers, the individual would know to choose the folder for WG 2. *See* Ex. 1220.

45. Once a user is in the relevant Working Group folder (RAN WG2 in this example), an individual would see a list of all meetings held by RAN WG2 and could navigate to the technical specification relevant for RAN WG2:

¹ Note that the snapshots of the various ftp directories were generated using the Wayback Machine capture available prior to the April 29, 2011 priority date.

[\[To Parent Directory\]](#)

29 March 2007	22:17	<dir> Change_Requests
29 March 2007	22:17	<dir> Invitation
17 June 2008	00:31	<dir> Org
22 February 2008	15:19	<dir> Outgoing_Liaisons
30 April 2004	14:00	95515 R2_1999.zip
21 December 2000	20:03	120168 R2_2000.zip
04 January 2002	19:12	137260 R2_2001.zip
21 January 2003	15:07	160005 R2_2002.zip
24 November 2003	11:08	124992 R2_2003.zip
01 December 2004	10:45	141308 R2_2004.zip
14 November 2005	13:57	175578 R2_2005.zip
08 August 2008	13:46	525377 R2_2008_01_08.zip
05 September 2008	18:37	<dir> Specifications
29 March 2007	22:18	<dir> TSGR2_01
29 March 2007	22:18	<dir> TSGR2_02
29 March 2007	22:18	<dir> TSGR2_03
29 March 2007	22:18	<dir> TSGR2_04
29 March 2007	22:18	<dir> TSGR2_05
29 March 2007	22:19	<dir> TSGR2_06
29 March 2007	22:19	<dir> TSGR2_07
29 March 2007	22:19	<dir> TSGR2_08
29 March 2007	22:19	<dir> TSGR2_09
29 March 2007	22:20	<dir> TSGR2_10
29 March 2007	22:20	<dir> TSGR2_11
29 March 2007	22:20	<dir> TSGR2_12
29 March 2007	22:20	<dir> TSGR2_13
29 March 2007	22:20	<dir> TSGR2_14
29 March 2007	22:21	<dir> TSGR2_15
29 March 2007	22:21	<dir> TSGR2_16
29 March 2007	22:21	<dir> TSGR2_17
29 March 2007	22:21	<dir> TSGR2_18
29 March 2007	22:22	<dir> TSGR2_19
29 March 2007	22:22	<dir> TSGR2_20
29 March 2007	22:22	<dir> TSGR2_21
29 March 2007	22:22	<dir> TSGR2_22
29 March 2007	22:23	<dir> TSGR2_23
29 March 2007	22:23	<dir> TSGR2_24
29 March 2007	22:23	<dir> TSGR2_25
29 March 2007	22:23	<dir> TSGR2_26
29 March 2007	22:24	<dir> TSGR2_27
29 March 2007	22:24	<dir> TSGR2_28
29 March 2007	22:24	<dir> TSGR2_29
29 March 2007	22:24	<dir> TSGR2_30
29 March 2007	22:25	<dir> TSGR2_31
29 March 2007	22:25	<dir> TSGR2_32
29 March 2007	22:25	<dir> TSGR2_33
29 March 2007	22:26	<dir> TSGR2_34
29 March 2007	22:26	<dir> TSGR2_35

Ex. 1221 (annotated). As shown, a folder existed for each meeting. For example, “TSGR2_11” correspond to TSG RAN WG2 Meeting #11. Ex. 1221. The timestamp associated with the meeting #11 directory indicates it was last updated on March 29, 2007. Ex. 1221.

46. A POSITA would have also known which meeting(s) would have covered particular subject matter based on the publicly available meeting agendas.

47. 3GPP’s public file repository provides a reliable way for identifying the date and time a document was uploaded to the website and available to download

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freely. When a document is uploaded, the file server automatically assigns the document a time stamp of when the document was uploaded as part of the regular business practices of 3GPP. In addition, to ensure coherent references, documents uploaded to the 3GPP FTP site are not overwritten. My personal experience is that this has always been the practice regarding uploading documents to the 3GPP file repository.

IV. EX. 1223 (“TS 36.300”)

48. 3GPP TS 36.300 V10.3.0 is a Technical Specification titled “Evolved Universal Terrestrial Radio Access (E-UTRA) and Evolved Universal Terrestrial Radio Access Network (E-UTRAN); Overall Description; Stage 2 (Release 10)” (“TS 36.300”). Ex. 1223 at 1. This Technical Specification indicates that it was published by 3GPP in April 2011. To obtain this document, used a web browser to go to the URL https://www.3gpp.org/ftp/Specs/archive/36_series/36.300/. Ex. 1224. I selected the link for “36300-a30.zip” and downloaded a zip file of the same name. Ex. 1224. The zip file contained a Microsoft Word document titled “36300-a30.doc.” A true and correct copy of the Word document within the zip file “36300-a30.zip”, printed to PDF form, is provided as Ex. 1223.

49. TS 36.300 was available for download from 3GPP’s file repository website as of April 5, 2011 as shown by the timestamp 2011/04/05.

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 36300-a20.zip	2010/12/18 1:58	3964,8 KB
 36300-a30.zip	2011/04/05 0:43	3847,6 KB
 36300-a40.zip	2011/06/21 23:16	3881 KB

Ex. 1224 at 2 (annotated); Ex. 1225 at 1 (archived version of web page from July 4, 2014, showing same upload date).

50. The report from TSG RAN Plenary #51 (uploaded to the 3GPP server on June 10, 2011) supports the April 5, 2011 upload date. That report discloses that TS 36.300 V10.2.0 had been modified according to several change requests which were approved at the RAN Meeting #51, held March 15-18, 2011. TS 36.300 V10.3.0 was uploaded to the 3GPP server shortly thereafter in line with common 3GPP practice. Ex. 1226 (TSG RAN #51 Report) at 17-20, 36, 43, 99, 113-14.

51. After a RAN Plenary meeting, such as RAN#51, draft technical specifications are issued by ETSI for review and uploaded to the 3GPP FTP website. The drafts corresponding to RAN#51 were made available shortly after the RAN#51 meeting at the web address https://www.3gpp.org/ftp/tsg_ran/WG2_RL2/Specifications/121103_draft_specs_after_RAN_51. After review, the corresponding final technical specifications resulting from RAN#51, were then uploaded to the 3GPP website at the web address https://www.3gpp.org/ftp/tsg_ran/WG2_RL2/Specifications/121103_final

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[l_specs_a fter_RAN_51](#). TS 36.300 was also available for download from this web address, which further supports the April 5, 2011 upload date, as shown below.

 36300-a30.zip	2011/04/05 1:12	3847,6 KB
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Ex. 1228.

52. As I explained above, technical specifications could be readily obtained through the 3GPP website. Interested POSITAs would have been well aware of 3GPP and of the 3GPP website, and they would have known that 3GPP documents were available to the public.

53. Relevant to TS 36.300, a POSITA interested in the architecture of LTE networks and interplay with other Radio Access Technologies could have navigated to the specifications area of the file repository via the direct link on the specifications page. As described above, that navigation structure was straightforward and standardized, as it was based on the filename structure. Thus, an interested POSITA would have been capable of navigating to relevant 3GPP specifications on the 3GPP website using reasonable diligence.

54. As I described above, the upload time stamp indicates that 36300-a30.zip was uploaded to 3GPP's publicly available website on April 5, 2011. Any member of the public could have downloaded the zip file, extracted the Word

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document enclosed, and viewed the contents of the Word document without restriction on April 5, 2011, and anytime thereafter.

55. Because I was the rapporteur of this specific specification, I would have been personally responsible for declaring the document as ready for publication on the 3GPP website where interested POSITAs would have downloaded final versions of TS 36.300 V10.3.0 on April 5, 2011, when it was made available.

56. As I described above, based on my personal knowledge and experience, this time stamp accurately reflects the date the document was uploaded to the 3GPP public file repository. I have no reason to believe this particular time stamp is inaccurate. I have determined that TS 36.300 was available for any member of the public to download from the 3GPP website no later than April 5, 2011.

57. Therefore, that by April 5, 2011, an interested POSITA using reasonable diligence could have located TS 36.300 on the 3GPP website, downloaded the reference without providing credentials, and disseminated the reference to others without restriction.

V. DECLARATION

58. 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

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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 and that such willful false statements may jeopardize the validity or the enforceability of the '888 Patent.

Dated: November 22, 2023

/s/ Benoist Sébire
Benoist Sébire

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Ex.1006.00027