**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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GOOGLE LLC,

Petitioner,

v.

PROXENSE, LLC,

Patent Owner.

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Case No. IPR2024-01319
U.S. Patent No. 9,679,289
Filing Date: April 12, 2012
Issue Date: February 4, 2014

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# SUPPLEMENTAL DECLARATION OF PATRICK TRAYNOR IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,679,289

**(Exhibit 1023)**

## I. INTRODUCTION

1. I have been retained by Petitioner Google LLC to provide this supplemental declaration in connection with a petition for *inter partes* review of U.S. Patent No. 9,679,289 ("'289 patent").

2. Specifically, I was asked to review my previously submitted declaration in *Microsoft Corp. v. Proxense LLC*, IPR2024-00407 ("the Microsoft IPR"), which is referred to in this proceeding as MS-1003, and to determine whether I still agree with the facts, analysis, and conclusions I expressed in that declaration.

3. My compensation in this matter is not based on the substance of my opinions or the outcome of this matter. I have no financial interest in Petitioner. My hourly rate for this engagement is $650.

## II. INFORMATION CONSIDERED

4. I understand that each "MS-" exhibit in this proceeding that shares the same exhibit number as a corresponding "MS-" exhibit in the Microsoft IPR refers to the same document. For example, "MS-1001" in this proceeding and "MS-1001" in the Microsoft IPR are both the '289 patent.

5. In drafting this declaration, I relied on my years of education, research, and industry and academic experience, including my direct experience and contribution in the area of wireless communications and telecom technology. I also

considered my declaration in the Microsoft IPR (MS-1003), the materials cited therein, and the following documents:

- Google's Proposed Constructions, *Proxense, LLC v. Google LLC*, No. 6:23-cv-00320 (W.D. Tex);
- Proxense's Proposed Constructions, *Proxense, LLC v. Google LLC*, No. 6:23-cv-00320 (W.D. Tex);
- Claim Construction Order, *Proxense, LLC v. Google LLC*, No. 6:23-cv-00320 (W.D. Tex. January 23, 2024); and
- Decision Granting Institution of Inter Partes Review, *Microsoft Corp. v. Proxense LLC*, IPR2024-00407, Paper 8 (PTAB July 22, 2024).

6. I reserve the right to rely upon these materials and other materials to rebut arguments raised by the Patent Owner. I further reserve the right to supplement this declaration in response to additional evidence that may become known during this proceeding.

7. In connection with any testimony I may be asked to give to the Patent Trial and Appeal Board, I may use as exhibits various documents that relate to matters set forth in this declaration and my original declaration (MS-1003).

## III. OPINIONS

8. After considering the evidence in the Microsoft IPR and the present proceeding, I maintain and agree with the facts, analysis, and conclusions set forth in MS-1003.

9. I understand the parties in related proceedings have proposed claim constructions for certain terms in the ’289 patent (*see* Exs. 1017, 1019). These proposed claim constructions do not alter my opinions regarding the patentability of the ’289 patent in MS-1003.

10. I declare 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 the 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.

Respectfully submitted,

/s

Dr. Patrick Traynor

Date: Wednesday, August 21, 2024.