

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.,
Petitioner

v.

TELEFONAKTIEBOLAGET LM ERICSSON,
Patent Owner

Patent No. 10,972,654 B2

**DECLARATION OF SIMA LOTFI IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW**

I, Sima Lotfi, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Bookoff McAndrews PLLC.
2. I provide this declaration in connection with the above-identified *inter partes* review proceeding requested at the United States Patent and Trademark Office by Lenovo (United States) Inc. against Telefonaktiebolaget LM Ericsson under 35 U.S.C. § 311 and 37 C.F.R. § 42.104. Unless otherwise stated, the facts stated in this declaration are based on my personal knowledge.
3. To investigate the publication date of Exhibit 1008 (“the *Panasonic* manual”), I searched the Internet Archive for records. The Internet Archive is a non-profit organization that provides access to a digital library of websites, webpages, and other web resources archived over the years, and provides free access to its contents for researchers, scholars, and the general public.
4. The Internet Archive has created and maintains an online service known as the Wayback Machine, which allows users to browse more than 450 billion webpages stored in the Internet Archive’s web archive. A user of the Wayback Machine can search archives by a website address (i.e., a URL). If archived records for a URL are available, the user will be presented with a display of available dates from which to select and begin browsing a version of the website archived on the selected date as it was accessible to the public on that date.

5. A link in an archived file in the Wayback Machine will direct to other archived files (whether HTML or other file types), if any are found for the website address indicated by a given link. Thus, the Wayback Machine is designed such that when a user clicks on a hyperlink on an archived page that directs to another website address, the visitor will be served the archived file found for the linked website address with the closest available date to the initial file containing the hyperlink.

6. The archived data made viewable and browseable by the Wayback Machine is obtained by use of web archiving software that automatically stores copies of files available via the internet, each file preserved as it was available to the public at a particular point in time. The Internet Archive assigns an “extended URL” on its site to the archived files in the format `http://web.archive.org/web/[Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]/[Archived URL]`. The date indicated by an extended URL applies to a preserved instance of a file for a given website address, but not necessarily to any other files linked therein. Thus, in the case of a page constituted by a primary HTML file and other separate files (e.g., files with images, audio, multimedia, design elements, or other embedded content) linked within that primary HTML file, the primary HTML file and the

other files will each have their own respective extended URLs which may not have been archived on the same dates.¹

7. The reliability of the Internet Archive’s Wayback Machine, and the archived webpages accessible thereby, has been recognized by the Federal Circuit, the United States Court of Appeals for the District of Columbia Circuit, and the United States Patent and Trademark Office. *See Valve Corp. v. Ironburg Inventions Ltd.*, 8 F.4th 1364, 1374 (Fed. Cir. 2021) (“the contents of webpages available through the Wayback Machine [are] facts that can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned.”) (internal quotation omitted); *New York v. Meta Platforms, Inc.*, 66 F.4th 288, 303 (D.C. Cir. 2023) (citing *Valve* and taking judicial notice of Internet Archive webpage); America Invents Act (AIA) Frequently Asked Questions, United States Patent and Trademark Office, *available at* https://www.uspto.gov/patents/laws/america-invents-act-aia/america-invents-act-aia-frequently-asked#type-browse-faqs_2998 (last accessed October 9, 2024) (“examiners use ‘The Wayback machine’ as a

¹ Further details about the Internet Archive can be found at <https://archive.org/about/> and at <https://archive.org/legal/affidavit.php> (each last accessed on October 9, 2024).

source of information to determine when a Web reference was first made available to the public.”).

8. Exhibit 1010 is a true and correct copy of *Lumix DMC-G2, World’s First* Interchangeable Lens System Camera with Touch-Control Movable LCD*, IMAGING RESOURCE, <https://www.imaging-resource.com/PRODS/DMCG2/DMCG2PR.HTM>, archived by the Internet Archive on March 14, 2010, which I personally obtained online from the website <https://web.archive.org/web/20100314192500/https://www.imaging-resource.com/PRODS/DMCG2/DMCG2PR.HTM#expand> on August 19, 2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.

9. Exhibit 1011 is a true and correct copy of *Panasonic Lumix DMC-G2 12.1 MP Live MOS Interchangeable Lens Camera with 3-Inch Touch Screen LCD and 14-42mm Lumix G VARIO f/3.5-5.6 MEGA OIS Lens (Black)*, AMAZON.COM, <http://www.amazon.com/Panasonic-Mirrorless-Digital-14-42mm-3-5-6/dp/B003AOAXL4>, archived by the Internet Archive on March 10, 2010, which I personally obtained online from the website <https://web.archive.org/web/20100310213715/http://www.amazon.com/Panasonic-DMC-G2-Interchangeable-14-42mm-3-5-5-6/dp/B003AOAXL4> on September 3,

2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.

10. Exhibit 1012 is a true and correct copy of *Panasonic Lumix DMC-G2 12.1 MP Live MOS Interchangeable Lens Camera with 3-Inch Touch Screen LCD and 14-42mm Lumix G VARIO f/3.5-5.6 MEGA OIS Lens (Black)*, AMAZON.COM,

<http://www.amazon.com/Panasonic-DMC-G2-Interchangeable-14-42mm-3-5-5-6/dp/B003AOAXL4>, archived by the Internet Archive on May 29, 2010, which I personally obtained online from the website

<https://web.archive.org/web/20100529160017/http://www.amazon.com/Panasonic-DMC-G2-Interchangeable-14-42mm-3-5-5-6/dp/B003AOAXL4> on September 3, 2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.

11. Exhibit 1013 is a true and correct copy of *Panasonic Lumix DMC-G2 12.1 MP Live MOS Interchangeable Lens Camera with 3-Inch Touch Screen LCD and 14-42mm Lumix G VARIO f/3.5-5.6 MEGA OIS Lens (Black)*, AMAZON.COM,

<http://www.amazon.com/Panasonic-Mirrorless-Digital-14-42mm-3-5-6/dp/B003AOAXL4>, archived by the Internet Archive on June 22, 2010, which I personally obtained online from the website

<https://web.archive.org/web/20100622061830/http://www.amazon.com/Panasonic-DMC-G2-Interchangeable-14-42mm-3-5-5-6/dp/B003AOAXL4> on September 3,

2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.

12. Exhibit 1014 is a true and correct copy of *Shop and Compare: DMC-G2K*, PANASONIC, http://www2.panasonic.com/consumer-electronics/shop/Cameras-Camcorders/Digital-Cameras/2010-LUMIX-Digital-Cameras/model.DMC-G2K_11002_7000000000000005702, archived by the Internet Archive on July 22, 2010, which I personally obtained online from the website https://web.archive.org/web/20100722010439/http://www2.panasonic.com/consumer-electronics/shop/Cameras-Camcorders/Digital-Cameras/2010-LUMIX-Digital-Cameras/model.DMC-G2K_11002_7000000000000005702 on September 4, 2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.

13. Exhibit 1015 is a true and correct copy of *Panasonic Lumix DMC-G2: Overview*, IMAGING RESOURCE (posted March 7, 2010), <https://www.imaging-resource.com/PRODS/DMCG2/DMCG2A.HTM>, archived by the Internet Archive on April 23, 2010, which I personally obtained online from the website <https://web.archive.org/web/20100423112645/https://www.imaging-resource.com/PRODS/DMCG2/DMCG2A.HTM> on September 3, 2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.

- 14.** Exhibit 1016 is a true and correct copy of *DMC-G2K: Lumix Digital Cameras*, PANASONIC, <http://www2.panasonic.com/consumer-electronics/support/Cameras-Camcorders/Digital-Cameras/Lumix-Digital-Cameras/model.DMC-G2K>, archived by the Internet Archive on July 29, 2010, which I personally obtained online from the website <http://web.archive.org/web/20100729014645/http://www2.panasonic.com:80/consumer-electronics/support/Cameras-Camcorders/Digital-Cameras/Lumix-Digital-Cameras/model.DMC-G2K> on September 3, 2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.
- 15.** Exhibit 1017 is a true and correct copy of David Chin, *Panasonic G2 Manual / Operating Instructions – PDF Available For Download*, DIGITAL PHOTOGRAPHY NOTES (posted July 10, 2010), <http://www.dpnotes.com/panasonic-g2-manual-operating-instructions>, archived by the Internet Archive on July 23, 2010, which I personally obtained online from the website <http://web.archive.org/web/20100722104315/http://www.dpnotes.com/#expand> on September 4, 2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.

16. Exhibit 1018 is a true and correct copy of *Panasonic Lumix DMC-G2:*

Overview, IMAGING RESOURCE (posted May 4, 2010), <https://www.imaging-resource.com/PRODS/DMCG2/DMCG2A.HTM>, archived by the Internet Archive on February 23, 2011, which I personally obtained online from the website <https://web.archive.org/web/20110224033435/https://www.imaging-resource.com/PRODS/DMCG2/DMCG2A.HTM> on October 9, 2024. An exhibit label on the first page and page numbers on all pages have been added to the bottom of the document, but no other alterations have been made.

17. On March 7, 2010, Panasonic issued a press release announcing the DMC-G2 and describing some of its features, including the ability to “select the part and size of the AF area” with a “touch on the screen” and to adjust “menu settings” through a “touch operation.” EX1010 at 1.

18. The DMC-G2 was released for sale in the United States a few months later, and no later than May 29, 2010. A webpage from Amazon.com archived on March 10, 2010 shows an option for viewers of the page to request to be notified when the DMC-G2 would be available for sale. *See* EX1011 at 1 (“Sign up to be notified when this item becomes available.”). The same webpage archived on May 29, 2010 states the DMC-G2 was available to ship within the U.S. and was first made available on Amazon.com on March 7, 2010. *See* EX1012 at 2 (“Shipping: Currently, item can be shipped only within the U.S.”; “Date first available on

Amazon.com: March 7, 2010”). The same webpage archived on June 21, 2010 shows verified buyer reviews beginning May 29, 2010. *See* EX1013 at 6 (“Amazon Verified Purchase”). A webpage from Panasonic.com archived on July 22, 2010, shows the DMC-G2 advertised for sale. *See* EX1014 at 1 (“Add to Cart”). A webpage from Imaging-Resource.com archived on April 23, 2010 shows a review of the DMC-G2 posted on March 7, 2010, which notes that the “Panasonic G2 ships from late May 2010, with a suggested retail of US \$799.95 including the kit lens.” EX1015 at 2.

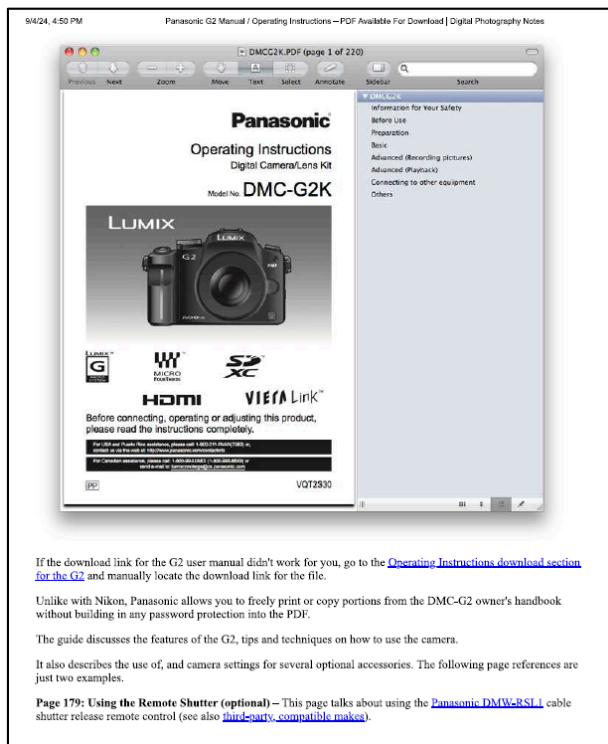
19. At or around the same time the DMC-G2 was released for sale, Panasonic Corporation published the *Panasonic* manual, containing version “VQT2S30” of operating instructions for the DMC-G2. *See* EX1008 at 1 (“VQT230”) and at 220 (“© Panasonic Corporation 2010”, “VQT2S30”). For example, a webpage from Imaging-Resource.com archived on February 23, 2011 shows a review of the DMC-G2 posted May 4, 2010, noting that the manual was included in the box with the DMC-G2 camera when sold. *See* EX1018 at 18.

20. The *Panasonic* manual was also publicly available for download no later than July 10, 2010. A webpage from Panasonic.com archived on July 29, 2010 shows *Panasonic* was available online for public download no later than July 29, 2010. *See* EX1016. A webpage from dpnotes.com archived on July 22, 2010 reports “Panasonic G2 Manual / Operating Instructions – PDF Available For

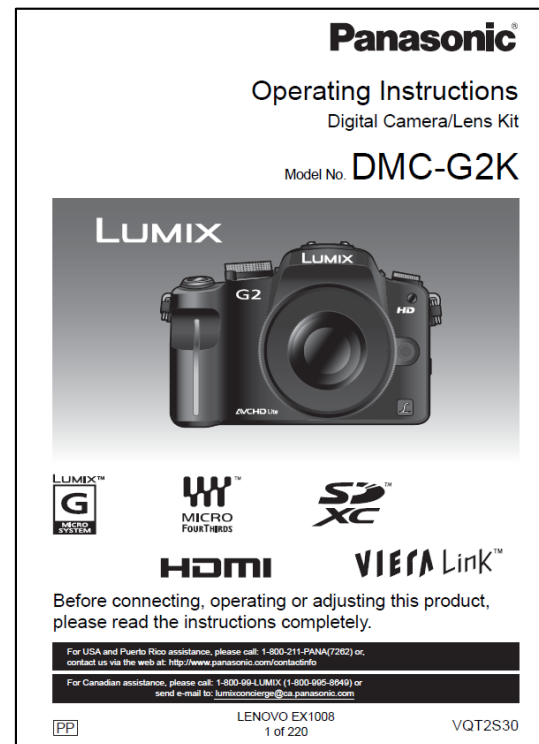
Download” as of July 10, 2010. *See* EX1017 at 1. This webpage provides multiple pieces of information corroborating that the *Panasonic* manual was publicly available as of July 10, 2010. For example, the webpage reports that the operating instruction handbook is 220 pages, just as the *Panasonic* manual does. *See* EX1017 at 1 (“This English Language, 12.5 MB Adobe Acrobat PDF operating instruction handbook for the Panasonic DMC-G2 should prove to be a fantastic read, all 220 pages of it – be sure to download it.”); *compare with* EX1008 at 220 (showing last page to be page 220).

21. As another example, the webpage provides a screenshot of the cover page of the operating instructions, which exactly matches the cover page of the *Panasonic* manual, including the “VQT2S30” version number. *See* EX1017 at 2 (showing screenshot of cover page of operating instructions for download); *compare with* EX1008 at 1 (showing cover page).

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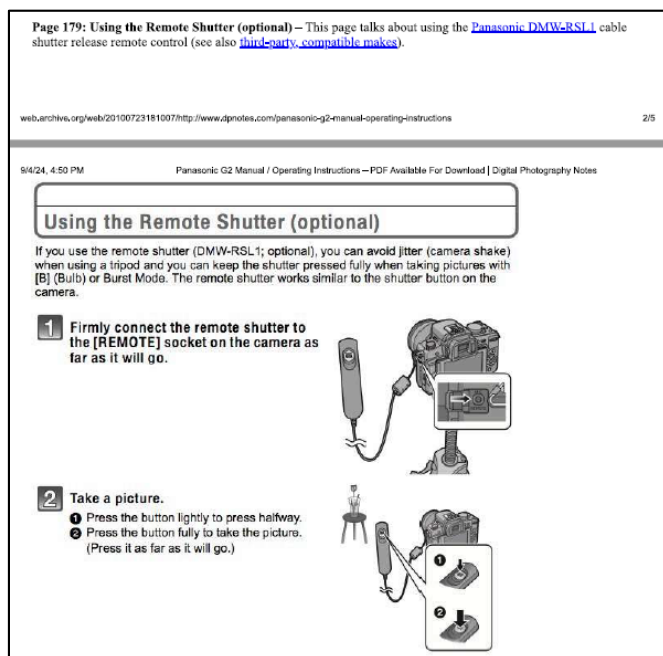
EX1017 at 2 (showing screenshot of page 1 of Panasonic manual available for download).



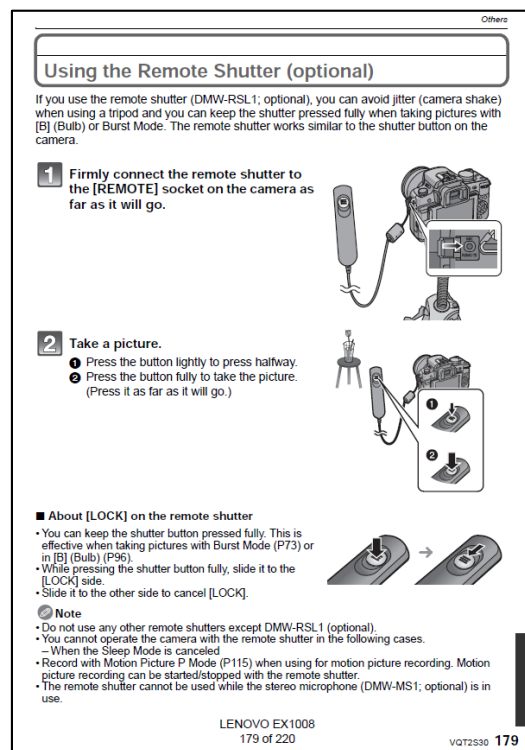
EX1008 at 1.

22. As yet further examples, the webpage provides screenshots of pages 179 and 180 of the operating instructions, which exactly match pages 179 and 180 of the *Panasonic* manual. See EX1017 at pages 2-4 (showing screenshots of pages 179 and 180 of operating instructions for download); compare with EX1008 at 179, 180 (showing identical content).

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EX1017 at 2-3 (showing screenshot of page 179 of Panasonic manual available for download).



EX1008 at 179.

23. These documents show that the *Panasonic* manual was publicly available in the United States no later than May 29, 2010, when the DMC-G2 was on sale, and publicly available for download no later than July 10, 2010.

24. In signing this declaration, I under that willful and false statements and the like are punishable by fine, imprisonment, or both.

25. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and

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the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of October, 2024, at Pittsburgh, Pennsylvania.

By: 

Sima Lotfi