

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELECTRONIC ARTS INC.,
Petitioner,

v.

WHITE KNUCKLE IP, LLC,
Patent Owner,

Case No. IPR2015-01595
Patent 8,529,350

**DECLARATION OF DAVID HUFFAKER CORROBORATING AN
INVENTOR DECLARATION UNDER 37 C.F.R. § 1.131**

1. I, David Huffaker, reside at 6590 152nd Ave SE, Bellevue, WA 98006. I am a registered patent attorney and have worked in the field of patent law for more than 15 years. I declare the following:
2. I am over the age of eighteen (18) and otherwise competent to make this declaration. The statements made in this declaration are to the best of my knowledge and recollection. I have personal knowledge of the facts set forth in this Declaration, and, for facts stated on information and believe, I have been provided with information by a person having personal knowledge of such facts. If called as a witness, I could and would testify competently under oath to the facts stated in this declaration. By making this declaration, it is not my intent, nor the intent of Athanasios Angelopoulos to waive the attorney-client privilege, attorney work product doctrine, or any other applicable privilege.
3. I have reviewed the declaration of Athanasios Angelopoulos signed April 14, 2016 related to the '350 Patent (hereinafter Angelopoulos Declaration), which is the subject of the above identified IPR ("the '350 IPR"), and is Exhibit 2003 in this proceeding. Unless otherwise specified, the terms in this Declaration have the same meaning as those used in the Angelopoulos Declaration.

4. Prior to August 14, 2002, Athanasios Angelopoulos conceived of the inventions defined by the Subject '350 Claims, (including claims 1-2, 6, 8, 10, 13, 15-16, and 23) to a degree sufficient to enable one skilled in the art to reduce the same to practice without the exercise of extensive experimentation or the exercise of inventive skill. My knowledge of these facts was obtained through the following:
 - a. Prior to August 14, 2002, Athanasios Angelopoulos described his invention to me. At the time, I was a licensed attorney and had some experience with patent drafting and patent licensing. However, in 2002, I was not yet registered with the USPTO and therefore was not qualified to file a patent application on Mr. Angelopoulos's behalf. I provided Mr. Angelopoulos with general information and assistance in reducing his invention to practice and filing the parent application of the '350 Patent.
 - b. Prior to August 14, 2002, Mr. Angelopoulos invited me to his residence and described to me the inventions disclosed in the '350 patent. My discussion with Mr. Angelopoulos included a description of each feature recited in the Subject '350 Claims.
 - i. Mr. Angelopoulos demonstrated playing the Sega NBA video

game for me and described to me its deficiencies and proposed improving Sega NBA using the features described in the '350 Patent. The disclosure to me included, among other things, the features that were subsequently included in the flow diagrams of Exhibit 2004. Specifically, among other things, he described:

1. loading a game engine from a game medium into memory for play of a sports video game.
2. The video game in memory either requests input from a user to download an updated video game parameter or automatically downloads an updated video game parameter.
3. The updated video game parameter is stored on a server and is received by the video game machine from the server.
4. The updated video game parameter reflects events that occurred in the real world (i.e., based on a change in a real-life attribute) and corresponds to a game attribute. Updating the parameter in the video game changes the attribute of the video game so that the video game reflects the change in the real-life attribute that occurred

5. The updated parameter simulates fresh, new events of the week, day, or hour as they occur throughout a year or a sports season.
- ii. Mr. Angelopoulos described to me the specific embodiment of the '350 patent in which a stadium attribute, ivy on the home run wall of Wrigley Field, changes color depending on the yearly season, which is described in the '350 Patent at least partially in col. 4, lines 49-59.
- c. Prior to August 14, 2002, Mr. Angelopoulos described to me the specific example described in the '350 Patent, at least partially in col. 4, lines 59-67, in which a stadium parameter causes a video game to show the number 9 in the grass of Fenway Park.
- d. On July 23, 2002, I received the email reproduced in Exhibit 2004, page 1, having the subject "Complete Flow Chart." The email of July 23, 2002, included an attachment with the file name "Flow Charts.doc." A true and correct copy of "Flow Charts.doc" is shown in Exhibit 2004 pages 2-4. The flow charts show features of the Subject '350 Claims conceived by Mr. Angelopoulos.
- e. On July 19, 2002, Mr. Angelopoulos sent me the email reproduced in

Exhibit 2006, page 1, having the subject, "Fgiure" [sic]. The email of July 19, 2002, had an attachment with the file name "Block Diagram.doc." A true and correct copy of the block diagram document is shown in Exhibit 2006 page 2. The block diagram shows features of the Subject '350 Claims conceived by Mr. Angelopoulos.

f. On July 28, 2002, Mr. Angelopoulos sent me the email reproduced in Exhibit 2007, page 1, having the subject, "claims". The July 28, 2002, email had an attachment with the file name "claims.doc." A true and correct copy of the claims document is shown in Exhibit 2007, pages 2-4. The claims describe features of the Subject '350 Claims conceived by Mr. Angelopoulos.

5. From prior to August 14, 2002, until no later than the filing date of the parent application of the '350 Patent, October 8, 2002, Mr. Angelopoulos, with my assistance, worked diligently to refine and reduce to practice the inventions recited in the Subject '350 Claims. He sought diligently to learn and understand the patent process and with my assistance drafted documents to constructively reduce his invention to practice. I formally engaged Mr. Angelopoulos in an attorney-client relationship and he instructed me to assist him in preparing the '350 Patent's parent application. He reviewed, revised, and filed the '350 Patent's parent application. He also researched

the video game industry and with my help engaged individuals and companies to potentially license and manufacture products incorporating his invention. Specifically:

- a. Mr. Angelopoulos engaged me for assistance with licensing the inventions described in the '350 Patent and advising him on reducing his inventions to practice. Between August 14, 2002, and October 8, we exchanged information about the drafting and filing of the patent application and signed our formal engagement for legal representation.
 - b. On July 22, 2002, at Mr. Angelopoulos's request, I inquired about a Company named DiamondCluster to assist in reducing to practice the inventions described in the '350 Patent. Attached as Exhibit 2008 is a true and correct copy of a chain of emails between me and individuals from Diamond Cluster, including Peer Munck. We continued discussions with DiamondCluster between August 14, 2002 and October 8, 2002.
 - c. Both Mr. Angelopoulos and I were working full time as employees of another company while diligently working to reduce his invention to practice between August 14, 2002 and October 8, 2002.
6. To the best of my knowledge the statements made by Mr. Angelopoulos in

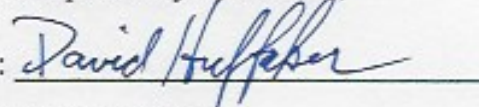
the Angelopoulos declaration are true and correct.

7. I was not aware of the Pisanich reference until after White Knuckle IP, LLC commenced its infringement action against Petitioner in 2015.
8. I hereby declare further that all statements made herein of my own knowledge are believed to be 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 statement 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 wilful false statement may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: April 14, 2016

By: _____



David Huffaker