

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STAYLINKED CORPORATION,
Petitioner,

v.

IVANTI, INC.,
Patent Owner.

Case IPR2021-01366
Patent 9,648,083

DECLARATION OF RON CAINES

I, Ron Caines, declare that:

1. My name is Ron Caines.
2. I am over the age of eighteen and am otherwise competent to make this declaration.
3. The statements in this declaration are to the best of my knowledge and recollection.
4. I have personal knowledge of the facts stated in this declaration. If called as a witness, I could and would testify competently under oath to the facts stated in this declaration.
5. I am currently an employee of Petitioner StayLinked Corporation (“StayLinked” or “Petitioner”). I understand that StayLinked is filing a petition (“Petition”) requesting that the Patent Trial and Appeal Board (“PTAB”) institute an *inter partes* review (“IPR”) proceeding with respect to U.S. Patent No. 9,648,083 (the “’083 patent”).

Employment at Psion Teklogix

6. I was previously employed by Psion Teklogix. I joined Psion Teklogix in August 2005.
7. My initial position at Psion Teklogix was Vice President of Marketing and Product Management. My responsibilities included corporate strategy, product

marketing and branding, product management, and global pricing. In this role, I had personal knowledge regarding Psion Teklogix's products, product sales, and product distribution. I also had personal knowledge of Psion Teklogix's technical support practices and practices with respect to preparing and distributing product manuals for Psion Teklogix's products.

8. In October 2006, I accepted the position of President, Americas at Psion Teklogix. I was responsible for business units in North and South America, including sales, post-sales service and support, finance, human resources, warehousing, and distribution.

9. In January 2009, I became President of Worldwide Sales and Services at Psion Teklogix.

10. Psion Teklogix was acquired by Motorola in 2012. I left the company in 2013.

11. As a result of my continuous employment at Psion Teklogix from August 2005 to 2013, I have personal knowledge of Psion Teklogix's product offerings and supporting technical documentation provided to Psion Teklogix's customers during that time. I also have personal knowledge of Psion Teklogix's customers, product distribution, and product sales during that time.

Psion Teklogix

12. I understand that Teklogix was founded in 1967 in Toronto, Canada and initially focused on computer applications. I understand that Teklogix later developed radio-based vehicle mount (forklift) computers and handheld computers. I understand that before my employment at Psion Teklogix, a British company (Psion PLC) acquired Teklogix and the company became known as Psion Teklogix. In 2011 or early 2012, the company reverted back to the name Psion.

13. During my time at Psion Teklogix, the company focused on the development and sale of mobile computing products for a wide range of industries, including the warehousing and distribution, cold chain, ports, railyards, airports, manufacturing, and service industries. Psion Teklogix concentrated on manufacturing extremely durable devices—both handheld and vehicle mount computing devices.

14. During my time at Psion Teklogix, its products included wireless access points, network controllers, and a range of handheld and vehicle mounted computers.

15. Psion Teklogix developed Teklogix Screen Subsystem (TESS), which was a proprietary protocol used for terminal emulation.

16. Psion Teklogix used resellers/partners to sell and provide local support. The proportion of sales via resellers varied across geographies.

17. Psion Teklogix also made sales directly to some customers, primarily larger enterprise accounts and accounts that Psion Teklogix supported on a global basis.

Technical Support and Documentation

18. Psion Teklogix provided technical support to resellers and customers through a network of pre-sales engineers, post-sales support staff and, if needed, engineering. Psion Teklogix offered technical support via telephone, email, and web-based content. In certain situations, Psion Teklogix provided in-person technical support.

19. Psion Teklogix's most experienced mid- and top-tier resellers provided first-level support and dealt with common issues. Psion Teklogix would provide support to those resellers and their customers. Smaller, less experienced resellers relied on Psion Teklogix support channels or support from distribution channels.

20. Psion Teklogix's resellers had access to pre- and post-sales support resources, including product documentation. Resellers were authorized to share product documentation with customers.

21. Psion Teklogix was well known and respected for its commitment to resolving customer issues even if they were not necessarily the responsibility of Psion Teklogix. The support personnel, both internal and external (pre- and post-sales engineers), would not hesitate to assist and provide materials to partners and end users as needed. The commitment to service and support was one of the primary directives that made Psion Teklogix successful.

22. Psion Teklogix prepared product manuals for its products. Psion Teklogix had a small group of individuals dedicated to technical writing and the creation of product manuals. This team was part of engineering. Product managers generated some of the specification and content for product manuals as well.

23. It was Psion Teklogix's general practice to include a physical copy of applicable product manuals with every device that Psion Teklogix shipped.

24. I recall having discussions with some customers with large accounts that Psion Teklogix could save money by shipping only one or two manuals for each product delivered to that customer when the customer was purchasing a large quantity of a product. It was the exception, however, that a customer would request that not every unit ordered come with a manual.

25. Psion Teklogix also provided product manuals (including digital versions of the product manuals) as part of providing technical support.

26. Psion Teklogix maintained an online support portal for resellers and customers called Teknet. This portal was available during my time at Psion Teklogix, and I understand that it was available before I joined Psion Teklogix.

27. Resellers and customers could access Teknet through Psion Teklogix's website. Typically, technical staff at resellers and end user accounts would have had access to Teknet.

28. Psion Teklogix generally made downloadable copies of product manuals available through Teknet.

9150 Wireless Gateway and 9150 Manual

29. I have reviewed the document titled "9150 Wireless Gateway User Manual" and marked as StayLinked Exhibit 1005 (the "9150 Manual"). I understand the document will be filed with StayLinked's Petition. To the best of my knowledge that document is a true and correct copy of the product manual for Psion Teklogix's 9150 Wireless Gateway product. I have personal knowledge of the document from my role as VP Marketing and Product Management at Psion Teklogix.

30. The cover of the 9150 Manual shows a date of August 24, 2002. When Psion Teklogix put a date on a manual, it was the date the manual was released and would be distributed. Therefore, to the best of my knowledge, Psion

Teklogix began distributing the 9150 Manual to resellers and customers on or about August 24, 2002.

31. The 9150 Manual was intended for use by end customers, resellers assisting end customers, and Psion Teklogix technical support staff.

32. Reseller technical staff and end-customer technical staff would have used the 9150 Manual in installing, configuring, and operating the 9150 Wireless Gateway.

33. Among its capabilities, Psion Teklogix's 9150 Wireless Gateway product could be configured as a "mini-controller" to manage the communications between host systems (including legacy applications) and Psion Teklogix devices and provide emulation capabilities to support those communications. The 9150 Wireless Gateway could be configured to communicate with a host system using the telnet protocol, translate information received from the host system to Psion Teklogix's TESS protocol, and then send instructions to Psion Teklogix mobile devices using TESS protocol.

34. At least some customers used the 9150 for its mini-controller capabilities.

35. Generally, customers that purchased the 9150 Wireless Gateway would have been familiar with terminal emulation.

36. A working knowledge of terminal emulation was necessary to configure the 9150 Wireless Gateway correctly.

37. Based on the Declaration of Conformity in the 9150 Manual (see page 5), Psion Teklogix may have begun selling the 9150 Wireless Gateway as early as 1998. Based on the date on the 9150 Manual, to the best of my knowledge, Psion Teklogix would have been selling the 9150 Wireless Gateway by at least August 24, 2002. Psion Teklogix was selling the 9150 Wireless Gateway at the time I joined Psion Teklogix in August 2005.

38. Psion Teklogix promoted the 9150 Wireless Gateway through datasheets, magazine articles, and Psion Teklogix's resellers.

39. Psion Teklogix had an enterprise resource planning (ERP) system. Persons at Psion Teklogix with direct knowledge of Psion Teklogix's sales and sales records maintained sales information in Psion Teklogix's ERP system. They input sales information into the ERP system at or around the time the sales were made. Psion Teklogix maintained sales information in the ERP system in the ordinary course of business.

40. Periodically, Psion Teklogix would use the ERP system to generate reports for business purposes. One example of a report is the World Configuration Analysis. Psion Teklogix generated this report as part of doing sales planning,

which was a part of Psion Teklogix's regularly conducted business activities. The World Configuration Analysis was a spreadsheet (for forecasting and planning purposes) that listed all sales of a product, such as the 9150 Wireless Gateway, for a particular time period. Psion Teklogix employees relied on the World Configuration Analysis spreadsheet and similar documents in making business decisions.

41. After joining Psion Teklogix and in my role as Vice President of Marketing and Product Management, I received a copy of a World Configuration Analysis that shows sales information for the 9150 Wireless Gateway. The World Configuration Analysis includes a Column H, which represents a quantity of 9150 Wireless Gateway units delivered for each order. The sum of all entries in Column H shows that Psion Teklogix delivered 9,248 units of the 9150 Wireless Gateway on orders made between January 16, 2004 and January 3, 2006. A true and correct copy of the worksheet from the World Configuration Analysis that shows sales for the 9150 Wireless Gateway is attached to this declaration as Exhibit A. The full World Configuration Analysis includes worksheets showing sales information for products other than the 9150 Wireless Gateway. Exhibit A does not include the worksheets for products other than the 9150 Wireless Gateway based on my understanding that those products are not relevant here.

42. Without referring to the World Configuration Analysis, and relying solely upon my recollection of approximate sales figures, I have estimated that sales of the 9150 Wireless Gateway after I joined Psion Teklogix in August 2005 and into the first half of 2006 numbered in the thousands.

Distribution of the 9150 Manual

43. Unless the customer specifically requested that a manual not be included with a purchased product, Psion Teklogix's included a physical copy of the 9150 Manual with every 9150 Wireless Gateway unit sold and shipped. Customers did not typically request that 9150 Wireless Gateway units not include a manual. Thus, based on Psion Teklogix's general business practices, by far most (at least 75%) of the 9150 Wireless Gateway units that Psion Teklogix sold included a physical copy of the 9150 Manual.

44. The World Configuration Analysis attached as Exhibit A is consistent with my memory. Column T of that document shows that a vast majority of delivered units included the 9150 Manual.

45. By far most of the 9,248 9150 Wireless Gateway units that Psion Teklogix sold between January 16, 2004 and January 3, 2006 included a physical copy of the 9150 Manual.

46. Specifically, the number of units delivered that indicate “9150 User Manual” in Column T of Exhibit A is approximately 7,656. The number of units delivered that show “No 9150 User Manual Required” in Column T is only approximately 1,551. A small number of the units delivered do not include any text in Column T.

47. Resellers of the 9150 Wireless Gateway could also request a copy of the manual from Psion Teklogix.

48. Customers of the 9150 Wireless Gateway could also request a copy of the manual from Psion Teklogix directly or from the reseller.

49. I do not recall Psion Teklogix ever telling customers or resellers that they could not share the 9150 Manual.

50. To the best of my knowledge, when I joined Psion Teklogix in 2005, the 9150 Manual was available for download through the Teknet portal of Psion Teklogix’s website. Resellers and customers could access the Teknet portal, which was managed by the Psion Teklogix support team.

51. I have reviewed the exhibits to the Affidavit of Duncan Hall, which I understand is being filed with the Petition. To the best of my memory, the exhibits are a true and accurate representation of the webpage on Psion Teklogix’s website

that described the 9150 Wireless Gateway as it appeared in 2005 and 2006 after I joined Psion Teklogix.

52. To the best of my knowledge the 9150 Manual was available to customers and resellers of Psion Teklogix through the “click here” link shown in the exhibits to the Affidavit of Duncan Hall. Product managers would have been told if the “click here” link shown on the exhibits to the Affidavit of Duncan Hall did not work or did not allow for the download of the 9150 Manual. Product managers and/or support personnel would have corrected the issue. As I noted above, Psion Teklogix’s commitment to service and support was one of the primary directives that made Psion Teklogix successful.

53. I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

54. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I further declare that these 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 the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this proceeding.

Dated: August, 9th, 2021



Ron Caines

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Exhibit A

[illegible]

[illegible]

[illegible]

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