

I, Gary Swatzell, declare as follows:

1. I am over the age of 18 and am competent to make this declaration. Unless otherwise stated, I have personal knowledge of the facts set forth herein and can and will testify as to them if called upon to do so. I understand that this declaration is going to be submitted to the United States Patent and Trademark Office and that I may be called upon to give a deposition about the facts provided in this declaration.

2. I have two bachelor's degrees: one in Electrical Engineering and one in Applied Mathematics from the University of Alabama. I have two Master's degrees: one in Electrical Engineering and one in Applied Mathematics from the University of Alabama Birmingham. I was an employee of Alabama Power (a part of Southern Company) for more than 30 years. During that time, I obtained practical experience with wireless communications technologies and developed and deployed smart grid technologies. I am currently a professor of Mathematics at Samford University in Birmingham, Alabama.

3. I have been asked by Samsung Electronics America, Inc. through the law firm of Greenberg Traurig, LLP to provide a declaration about my recollection of if and how papers were distributed at the IEEE 55th Vehicular Technology Conference held in Birmingham, Alabama on May 6, 2002 to May 9, 2002. I am being compensated for my time spent in connection with preparing this declaration

at my customary consulting rate. The compensation for my time is not dependent in any way on the testimony I provide. I have no affiliation with Samsung Electronics America, Inc., or any other Samsung entity.

4. I was on the Conference Executive Committee for the IEEE 55th Vehicular Technology Conference held in Birmingham, Alabama on May 6, 2002 to May 9, 2002. My title was “Publication Coordinator” as shown in Exhibit A to this Declaration. The conference was sponsored by Southern Company Services and Alabama Power Company (the latter being my employer at the time).

5. As part of my responsibilities as Publication Coordinator, I along with Charles Hickman, reviewed all of the papers submitted for the conference and categorized them into different sessions. Each of the sessions is listed on the “TOC” pages of Exhibit A to this declaration. For instance, I came up with titles such as “Smart Antennas I” and “DS-CDMA II” as found on page TOC-11 and grouped papers relevant to those topics so that they could be presented during the appropriate conference sessions. Exhibit A, page TOC-11. This work took a considerable amount of time and effort and was conducted in or around March 2002.

6. As can be seen from the descriptions on the papers, there were papers directed to many wireless communications topics including antennas, wireless networks, MC-CDMA (multi-carrier CDMA), and OFDM, among others. The conference was attended by presenters from all over the world including Europe and

Asia. The conference website is still online and can be found here: <https://ewh.ieee.org/soc/vtc02spring/papers.html>. The website provides the following conference objectives: “The objective of the conference is to provide the opportunity to present technical papers and posters, tutorials and exhibits that represent technical innovation and applications associated with an ever-expanding mobile wireless industry. Although the main focus of the conference voice data wireless communications, papers addressing rail and automotive transportation topics invited. The program committee invites your participation in the conference, and the following areas have been selected for submission of papers.” Exhibit C. This is consistent with my recollection.

7. I personally attended IEEE 55th Vehicular Technology Conference. The conference ran from May 6 to 9th as reflected on Exhibit A. At the conference, attendees would check in at registration and obtain their badges, and a bag that included various items such as a conference program. Also in that bag was a CD ROM that included a case with the same image on it that appears on the first page of Exhibit A. This graphic was developed by the marketing department at my employer.

8. A copy of all the papers associated with the various presentations and poster sessions were distributed to attendees on that CD ROM unless the agenda indicated that there was “no paper,” for example, as shown on Exhibit A, pages TOC-14 and TOC-16. Computers were set up near the registration desk to allow

conference attendees to view papers at the conference, thus allowing attendees to make informed decisions about which sessions they wanted to attend. This is stated on the conference program. Exhibit B available at <https://ewh.ieee.org/soc/vtc02spring/vtc02spring-final-program.pdf>. The CD ROM was provided as part of the registration. Exhibit D, page 2 (“Full conference registration fee includes . . . the Conference Proceedings in electronic (CD) form.”). In addition to the CD ROM attendees could buy hard copies of the conference proceedings in print for \$100.00, but they “must be picked up by the registrant at the conference.” Exhibit B, page 8.

9. Exhibit A includes a paper called *A Low Complexity Transmitter Structure For OFDM-FDMA Uplink Systems*, by Dirk Galda, Herman Rohling, Elena Costa, Harald Haas, and Egon Schulz. It was included in the conference proceedings at pages 1737-1741. This paper was available at the time the conference agenda was prepared and therefore it was on the CD ROM given to conference attendees and distributed to them as they checked in for the conference starting on May 6th. It was also in the hard copy proceedings that were available for pick-up at the conference.

10. The conference was attended by those in the field of wireless communications. Although I do not have a headcount of the exact number of participants, I am confident that there were well over 100 people in attendance.

Based on the number of papers presented, and the number of presenters for each paper (usually 1-2 people), I believe that there were likely between 300 to 400 people that attended at least part of the conference. I recall that about 80% of the papers were presented during the conference and that a majority of the presentations were made by professors, graduate students, and people working in the field of wireless communications.

11. The IEEE 55th Vehicular Technology Conference held in Birmingham, Alabama on May 6, 2002 to May 9, 2002 was a conference that was available to IEEE members and non-members as shown below:

	IEEE Member	Non-member	Student/Life Member
Prior to March 31, 2002	\$500	\$575	\$75
After March 31, 2002	\$575	\$650	\$75

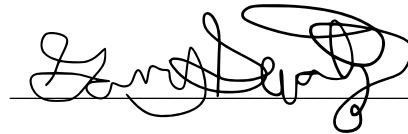
Exhibit D, page 1.

12. There were no confidentiality restrictions on the conference proceeding papers or their subsequent use. They were provided to attendees to use as they pleased as part of the conference registration fee.

I hereby 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 statements and the like so made are punishable by fine or imprisonment, or both,

under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Gary Swatzell", written over a horizontal line.

Gary Swatzell
Birmingham, AL
March 25, 2025