

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADOBE INC.,

Petitioner,

v.

RAH COLOR TECHNOLOGIES LLC,

Patent Owner.

CASE NOS:

IPR2019-00627, IPR2019-00628, IPR2019-00629, IPR2019-00646

RESPONSES OF CHARLES POYNTON TO INTERROGATORIES

Interrogatory No. 1: Did Dr. Poynton perform any prior art search?

Response to Interrogatory No. 1: Yes. While working with Petitioner's counsel to prepare my declaration, I searched for prior art that I was already aware of from my decades of experience in the color science industry. In particular, I searched
5 through my own publications, my personal files for the work of others, and the Internet. In addition, I went to the University of Toronto Library to search for prior art publications in person. At least some of the references I found or was already aware of are cited in the Petitions, such as the ICC specifications, the Stone article, and the Photoshop 3.0 user guide. The relevance of these pieces of prior art to the
10 claims at issue was apparent to me as soon as I first examined the patents and considered the question of their patentability. I do not recall for each of these references whether it was counsel or I that first suggested their use in the Petitions, but if counsel did not propose them, I would have. Furthermore, prior to my engagement in these proceedings, I was familiar with the work performed by the named inventors
15 of many of the references cited in the Petitions in the field of color science, including Edward Giorgianni, Thomas Madden (the co-inventor of the Giorgianni reference), and Giordano Beretta. As with the other references, I recognized that the work of Giorgianni and Beretta would be highly relevant as soon as I reviewed the RAH patents.

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Interrogatory No. 2: Did Dr. Poynton consider claim charts comparing the patent owner's patent claims to alleged prior art references (or invalidity arguments in another form) prior to Dr. Poynton signing Exhibit 1009?

Response to Interrogatory No. 2: No. I did not review or otherwise consider any claim charts comparing the challenged claims to any prior art references prior to the filing of the Petitions in these proceedings. I testified during my deposition that I saw a claim chart while working with Petitioner's counsel to prepare my declaration. That chart related to Patent Owner's allegations of infringement and was submitted as Exhibit 1012 in these proceedings.

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Interrogatory No. 3: Did Dr. Poynton determine that any reference, or combination of references, that Adobe provided to him did not render any of the 26 RAH Color Technologies patent claims obvious?

Response to Interrogatory No. 3: No. My work with Petitioner's counsel focused on determining the simplest and clearest grounds to assert for purposes of demonstrating the unpatentability of the challenged claims. In doing so, I considered numerous possible grounds for unpatentability, including grounds that relied upon references or combinations of references that do not appear in the Petitions. We selected combinations based on the ones that were the simplest and clearest and for which the motivation to make the combination was apparent. We determined not to

include certain references or combinations of references in the Petitions because other references or combinations were simpler or clearer or more readily combinable, not because they were inadequate as proof of the unpatentability of the challenged claims.

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I, Charles Poynton, have personal knowledge of the matters stated in the foregoing responses to Plaintiff RAH Color Technologies LLC's Interrogatory Nos. 1-3. I declare under penalty of perjury of the laws of the United States and Canada that the foregoing is true and correct.

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Executed this 19th day of December, 2019 in Toronto, Canada.



Charles Poynton

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