EXHIBIT 6

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNILOC 2017, LLC,

Plaintiff,

v.

PAYCHEX, INC.,

Defendant.

Civil Action No. 1:19-cv-11272-RGS

UNILOC 2017, LLC,

Plaintiff,

v.

ATHENAHEALTH, INC.,

Defendant.

Civil Action No. 1:19-cv-11278-RGS

DECLARATION OF DR. MICHAEL SHAMOS

I, Michael Ian Shamos, Ph.D., do hereby declare as follows under penalty of perjury under the laws of Massachusetts, Pennsylvania and the United States that the following is true and correct:

I. INTRODUCTION

1. I have been retained by counsel for Plaintiff in this case to offer opinions as to the scope and meaning that would have been given to certain terms and phrases appearing in the claims of Cox et al. U.S. Patents 6,324,578 ("the '578 Patent") and 7,069,293 ("the '293 Patent") by one of ordinary skill in the art at the time of the inventions. The statements of fact made in this declaration are based on my own personal knowledge

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programs in a networked environment such that authorized users are able to access those program at various client computers. The objects of the invention are achieved by providing an on-demand server to host the application programs and an application program launcher program though which a user at a client computer may execute the application program.

36. The claims of the Patents are drawn generally to methods, systems and computer program products for distributing configurable application programs over networks, obtaining user configuration preferences and administrator configuration preferences, distributing an application launcher program and executing the distributed programs using the sets of preferences.

37. I believe that, in order to understand the specification and be able to make and use the invention without undue experimentation, a POSITA would have had at least a bachelor's degree in computer science or electrical engineering, or an equivalent field, or equivalent work experience, and, in addition, at one year of work experience with management and distribution of application programs in a networked client/server environment.

38. The same characterization of a POSITA applies to the '293 Patent.

VI. CLAIM TERMS

39. I understand that agreement has not been reached by the parties on the meaning of the following terms.

40. Defendants' proposed constructions are not consistent with the specifications of the Patents.

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62. This passage refers to the "client/server application program," which is a clear reference to an application being run at a server for the benefit of client.

63. There is no basis for the limitations Defendants seek to read into the construction of "application program launcher."

B. "application program"

Claim Phrase	Plaintiff's Proposed Construction	Defendants' Proposed Construction
application program ('578 Patent, all claims; '239 Patent, all claims)	ordinary meaning, which is software that performs tasks for an end-user	code associated with the underlying program functions that is a separate application from a browser interface and does not execute within the browser window

64. If ever there was a computer term having a plain and ordinary meaning, "application program" would be such a term. The term "application program" was used to distinguish user program, with which the user interacts directly, from operating system programs, which operate invisibly to the user, and it meaning has not changed over decades. This notion is supported by Barron's Dictionary of Computer and Internet Terms (Sixth Ed., 1998) Ex. E, which defines "application program" as "a computer program that performs useful work not related to the computer itself." It is also consistent with the definition in the Microsoft Computer Dictionary (Third Edition, 1997) Ex. F: "A program designed to assist in the performance of a specific task, such as word processing, accounting or inventory management."

65. There is no indication that the term "application program" in the Patents is used in anything other than its plain and ordinary meaning. In fact, the entire tenor of the

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Patents revolves around distributing and managing the execution of "application programs," without any intention of limiting that term.

66. The '578 specification contains supporting language at 12:12-20:

> *Accordingly, as used herein, it is to be understood that the term "application program" generally refers to the code associated with the underlying program functions, for example, Lotus Notes or a terminal emulator program. However, it is to be understood that the application program will preferably be included as part of the application launcher which will further include the code associated with managing usage of configurable application programs on a network according to the teachings of the present invention.*

67. The specification gives Lotus Notes as a non-exclusive example of an application program." In the '466 prosecution history, Applicants stated, correctly, that "Lotus Notes would not execute within the browser window." Amendment of October 23, 2001, p. 2. However, the cited paragraph and that quotation from the '466 prosecution history does not preclude an application program from executing in a browser window.

68. The same October 23, 2001 Amendment states, "In other words, the application launcher program interacts with the desktop, such as a user browser interface, while an instance of the application program is requested through the desktop but executes locally at the client as a separate application from the browser interface." That may be true of certain application programs (such as Lotus Notes), but the statement should not be read as applying to all applications programs.

69. The term "application program" has been construed by several courts as "software that performs tasks for an end user. See, e.g., *Seven Networks Inc. v. Visto Corp.*, 2006 U.S. Dist. LEXIS 93870 (E.D. Tex., Dec. 29, 2006) and *Rembrandt Technologies, L.P. v. Comcast Corp., et al.*, 512 F. Supp. 2d 749 (E.D. Tex. 2007).

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