UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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LIBERTY MUTUAL INSURANCE CO.
Petitioner

v.

PROGRESSIVE CASUALTY INSURANCE CO.
Patent Owner
_____

Case CBM2012-00003
Patent 8,140,358
_____

Before the Honorable JAMESON LEE, JONI Y. CHANG, and MICHAEL R. ZECHER, *Administrative Patent Judges.*

SECOND RULE 42.64(b)(2) DECLARATION OF SCOTT ANDREWS ON BEHALF OF PETITIONER LIBERTY MUTUAL INSURANCE CO. REGARDING U.S. PATENT NO. 8,140,358

I, Scott Andrews, hereby declare under penalty of perjury under the laws of the United States of America:

I have previously been asked by Liberty Mutual Insurance ("Liberty") to testify as an expert witness in this action.

I.   Prior Testimony

1.   I am the same Scott Andrews who provided a Declaration in this matter executed on September 15, 2012 as Exhibit 1025, a Rebuttal Declaration in this matter executed on August 15, 2013 as Exhibit 1034, and a Rule 42.64(b)(2) Declaration in this matter executed on September 5, 2013 as Exhibit 1040. (My

information regarding experience, qualifications, and compensation has been provided along with my Declaration, Exhibit 1025, and CV, Exhibit 1026.)

II.   Response to Evidentiary Objections

2.   Exhibit 1038, the Declaration of Jordan M. Rossen, indicates Exhibit 1037 was downloaded from The Apache Software Foundation website, http://www.apache.org/history/timeline.html. As I stated in my previous Rule 42.64(b)(2) Declaration, The Apache Software Foundation is "a US 501(3)(c) non-profit corporation [that] provides organizational, legal, and financial support for a broad range of over 140 open source software projects," including the Apache Server projects. Exhibit 1043, The Apache Software Foundation – Foundation Project, http://www.apache.org/foundation/. In my experience in the computer industry, I (and other experts) would reasonably rely on The Apache Software Foundation website as a source of accurate information related to the history of the Apache Server, and I have visited and consulted this website in the course of my work in this field.

Executed this 26th day of September, 2013

Scott Andrews

At: Petaluma, CA