

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*.

PETITIONER'S NOTICE OF SERVICE OF RULE 42.64(b)(2) EXHIBITS

Liberty Mutual files the below listed exhibit pursuant to 37 C.F.R. § 42.64(b)(2) in response to Patent Owner's Objections to Evidence Pursuant to 37 C.F.R. § 42.64 in the above-captioned Covered Business Method Patent Review proceeding:

- Exhibit 1042 (Second Rule 42.64(b)(2) Declaration of Scott Andrews);
- Exhibit 1043 (The Apache Software Foundation – Foundation Project); and
- Exhibit 1044 (Second Rule 42.64(b)(2) Declaration of Jordan M. Rossen).

Respectfully submitted,

ROPES & GRAY LLP

September 26, 2013

By /J. Steven Baughman/
J. Steven Baughman, Lead Counsel
James R. Myers (pro hac vice)
Nicole M. Jantzi
ROPES & GRAY LLP
700 12th St. NW, Suite 900
Washington, DC 20005
Steven.baughman@ropesgray.com
James.myers@ropesgray.com
Nicole.jantzi@ropesgray.com

Attorneys for Petitioner Liberty Mutual Insurance Co.

Mailing address for all PTAB correspondence:

ROPES & GRAY LLP
IPRM – Floor 43
Prudential Tower
800 Boylston Street
Boston, Massachusetts 02199-3600

CERTIFICATE OF SERVICE

It is certified that a copy of **Petitioner's Notice of Service of Rule 42.64(b)(2) Exhibits** has been served in its entirety on the Patent Owner as provided in 37 CFR § 42.6.

The copy has been served on September 26, 2013 by causing the aforementioned document to be electronically mailed to:

Calvin P. Griffith, at: cpgriffith@jonesday.com

James L. Wamsley, III at: jlwamsleyiii@jonesday.com

John V. Biernacki at: jvbiernacki@jonesday.com

pursuant to the Petitioner and Patent Owner's agreement.

/s/ Jordan M. Rossen

Jordan M. Rossen

ROPES & GRAY LLP