

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

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Case CBM2012-00003  
Patent 8,140,358

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**Declaration of John V. Biernacki**

### Declaration of John V. Biernacki

I, John V. Biernacki, make the following Declaration pursuant to 28 U.S.C.

§ 1746:

1. I am an attorney with the law firm Jones Day.
2. I provide this Declaration in connection with the above-identified Covered Business Method Patent Review proceeding. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.
3. Exhibit 2014 hereto is a true and correct copy of Progressive's Exhibit 2014 from the deposition of Mary L. O'Neil, which is a copy of a book chapter titled, "Automobile Insurance," "North America," authored by Mary L. O'Neil.
4. Exhibit 2015 hereto is a true and correct copy of excerpted pages from the deposition transcript of Mary L. O'Neil dated September 13, 2013.
5. Exhibit 2016 hereto is a true and correct copy of excerpted pages from the deposition transcript of Scott Andrews dated September 24, 2013.

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

Date: September 30, 2013

Signature: \_\_\_\_\_

  
John V. Biernacki