

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 CBM2012-00004  
Patent 6,064,970

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

**SECOND RULE 42.64(b)(2) DECLARATION OF MARY LOU O'NEIL ON  
BEHALF OF PETITIONER LIBERTY MUTUAL INSURANCE CO.  
REGARDING U.S. PATENT NO. 6,064,970**

I, Mary Lou O'Neil, 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 Mary Lou O'Neil who provided a Declaration in this matter executed on September 14, 2012 as Exhibit 1011, a Rebuttal Declaration in this matter executed on August 6, 2013 as Exhibit 1022, and a Rule 42.64(b)(2) Declaration in this matter executed on August 27, 2013 as Exhibit 1025. (My

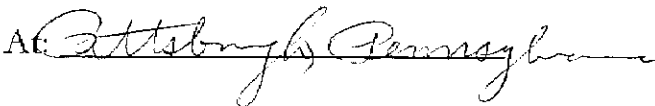
information regarding experience, qualifications, and compensation has been provided along with my Rebuttal Declaration, Exhibit 1011, and CV, Exhibit 1012.)

## II. Response to Evidentiary Objections

2. In my previous Rule 42.64(b)(2) Declaration, Exhibit 1025, I indicated that "I was familiar with and have used Interpretive Opinion 4 found in Exhibit 1023 in my work on numerous occasions during the period in which it was in force." Ex. 1025, ¶ 4. Additionally, I was familiar with and have used Interpretive Opinion 3 found in the same exhibit. In my previous Rule 42.64(b)(2) Declaration, when I stated that the hard copy of Interpretive Opinion 4 in my possession contains the same substance, I meant that it contains the same words, but may contain slightly different formatting.

Executed this 18th day of September, 2013

  
Mary Lou O'Neil

  
Attestation, Pennsylvania