IN THE UNITED STATES PATENT TRIAL AND APPEAL BOARD

In re Post-Grant Review of:	)	
U.S. Patent No. 6,675,151	)	U.S. Class: 705/9
Issued: Jan 6, 2004	)	Group Art Unit: 3623
Inventors: Michael S. BLACKSTONE Roland R. THOMPSON	)	Proceeding No. BM2012-00005
Application No.: 09/419,266	)	
Filed: Oct 15, 1999	)	
For: SYSTEM AND METHOD FOR PERFORMING SUBSTITUTE FULFILLMENT INFORMATION COMPILATION AND NOTIFICATION	)	FILED ELECTRONICALLY PER 37 C.F.R. § 42.6(b)(1)

Mail Stop *Patent Board* (37 C.F.R. § 42.6(b)(2)(ii))
Patent Trial and Appeal Board
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DECLARATION OF EDWARD YOURDON IN RESPONSE TO PLAINTIFF'S PETITION FOR TRANSITIONAL POST-GRANT REVIEW UNDER SECTION 18 OF THE LEAHY-SMITH AMERICA INVENTS ACT AND 35 U.S.C. § 321

Submitted on March 18, 2013

I, Edward Yourdon, hereby declare as follows:

1. I am a software consultant in my own firm, NODRUOY Inc., as well as co-founder and Fellow of a software research/analysis firm known as the Cutter Consortium. I have worked in the computer industry since 1964, and the details of my background and experience in the computer industry are provided in my CV attached as Appendix A to this Declaration.

2. I received a B.S. in Applied Mathematics from Massachusetts Institute of Technology (MIT) in 1965. I subsequently carried out graduate work in computer science and electrical engineering at MIT and at the Polytechnic Institute of New York.

3. I have provided expert testimony in approximately two dozen computer-related cases in both the U.S. and the U.K. Several of these engagements have involved analyzing implementation projects.

4. I have been retained by the law firm of Woodcock Washburn, LLP to act as a consultant/expert in the patent dispute concerning Frontline Technologies, Inc. ("Frontline") and CRS, Inc. ("CRS"), and have become familiar with the '151 patent and the records associated with its examination at the U.S. Patent Office. I am being compensated at

the rate of $550 per hour for the work that I perform on this assignment. My compensation is not based on the outcome of this litigation.

5. The '151 patent issued from an application (U.S. application serial no. 09/419,266) ("'266 application") that claims priority to, and is a continuation-in-part of, the application (U.S. application serial no. 09/217,116) ("'116 application) from which the '133 patent issued. Similar to the '133 patent, the '151 patent describes a system that receives information about temporary job openings that result from absent workers, informs substitute workers of the job openings, and receives inputs from substitute workers securing particular job openings. The system stores information using an underlying database, and communicates with users via various communications links, including a Web interface (see, e.g., '151 patent at col. 4, ln. 64 – col. 5, ln. 45; col. 6, ln. 66 - col. 12, ln. 62; Fig 1-14).

6. The '151 patent describes a system of hardware and software that provides the substitute fulfillment functionality (see, e.g., '151 patent at col. 6, ln. 64 - col. 9, ln. 22; Fig. 1). The patent also provides details regarding records that may be included in the database (see, e.g., '151

patent at col. 9, ln. 25 - col. 10, ln. 14; Fig. 3-11). The ’151 patent explains processes by which the various components of the system interface with users of the system. For example, the ’151 patent describes processes for receiving job opening information into the system, for reporting the job opening information, and for receiving inputs from substitutes securing particular job openings (see, e.g., ’151 patent at col. 10, ln. 17 - col. 12, ln. 62; Fig. 2, 12-14).

7. In connection with the *Frontline Technologies* litigation, I submitted two Expert Reports (one identified as a “rebuttal” report, and the other identified as a “supplemental” report) which addressed, *inter alia*, the issues of (1) whether the U.S. Patent No. 6,675,151 (“the ’151 patent”) was entitled to the filing date of the parent U.S. Patent No. 6,334,133 (“the ’133 patent”), and (2) whether claims 3, 6, 7, 16, 24 and 33 of the ’151 patent were invalid for lack of an adequate written description.

8. I have now been asked to review portions of a September 16, 2012 document, entitled “Petition for Transitional Post-Grant Review Under § 18 of the Leahy-Smith America Invents Act and 35 U.S.C. §

321" (hereinafter "Petition"). In particular, I was asked to consider pages 1, 2, 3, and 20-32 of that document.

9. I am not a lawyer and cannot provide opinions concerning legal issues; however, I do have opinions regarding statements that appear in the above referenced portions of the Petition document, and that bear on technology and technical issues.

10. At page 3, the Petition includes the following passage:

> Although the patent's specification contains a number of configurations and connections between existing processors, the claims simply recite an abstract idea for how to fill worker vacancies. The generic technological recitations do not save these claims.

11. Again, while I am not a lawyer and cannot offer legal opinions, I disagree with the assertion that the "claims simply recite an abstract idea." Rather, considering the assertion from a technical perspective, I understand the claims to recite specific technical implementations for performing substitute fulfillment. I do not consider the specific technical implementations to be abstract. From a technical perspective, I understand that claim 3 recites a particular set of operations that are performed by a particular combination of

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