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 CBM2013-00009
Patent 8,140,358

_____

Declaration of James L. Wamsley

Declaration of James L. Wamsley

I, James L. Wamsley, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am an attorney with the law firm Jones Day and one of the counsel for Patent Owner in the above-identified Covered Business Method Patent Review Proceeding.

2. I provide this Declaration in connection with the above-identified Covered Business Method Patent Review proceeding. The facts stated in this Declaration are based on my personal knowledge.

3. According to the United States Patent & Trademark Office web page found at the URL http://www.uspto.gov/ip/boards/bpai/prps.jsp, "PRPS (Patent Review Processing System) is the Board's e-filing (EF) and case management (CM) system for trial proceedings." It is further indicated at that web page that "PRPS sends an automatic email notification to the parties whenever a document is filed in a case."

4. Using the tools available in Internet Explorer via the F12 key, I obtained and examined the metadata for the document links found on the PRPS website for the CBM2012-00003 and CBM2013-00009 proceedings. The metadata associated with these document links include timestamp information

indicating the date and time when case documents are posted to and made available to the public on the PRPS.

5.   The metadata associated with the link to the CBM2012-00003 Final Written Decision indicates that it (Paper No. 78) was attached to and available over the PRPS on February 11, 2014 at 10:50:25 AM EST (15:50:25.226 GMT). Attached hereto as Attachment A is a true and accurate copy of the metadata I obtained for the page of links provided on the PRPS for CBM2012-00003 which includes the link to the Final Written Decision. The metadata which provides the timestamp information for the posting of the Final Written Decision is found at item 27 of this attachment.

6.   The metadata associated with the link to the CBM2013-00009 Final Written Decision indicates that it (Paper No. 68) was attached to and available over the PRPS on February 11,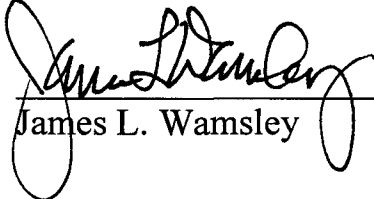 2014 at 12:04:12 PM EST (17:04:12.980 GMT). Attached hereto as Attachment B is a true and accurate copy of the metadata obtained for the page of links provided on the PRPS for CBM2013-00009 which includes the link to the Final Written Decision. The metadata which provides the timestamp information for the posting of the Final Written Decision is found at item 14 of this attachment.

7.   The above-referenced timing and metadata is confirmed by the automated email notifications that I received from PRPS on February 11, 2014. I received the email notification of the final decision for CBM2012-00003 at 10:50 AM EST and for CBM2013-00009 at 12:04 PM EST that day. Attached hereto as Attachments C and D are true and accurate copies of the PRPS System Notification emails I received regarding the entry of the Final Written Decisions in CBM2012-00003 and CBM2013-00009, respectively.

8.   CBM2013-00009 Paper No. 67 titled "Final Written Decision" was available on the PRPS at an earlier time on February 11, 2014. The metadata associated with the link to Paper No. 67 indicates that it was initially attached to and available over the PRPS on February 11, 2014 at 10:56:31 AM EST (15:56:31.031 GMT), as indicated by the timestamp information found at item 13 of Attachment B. That paper was subsequently removed and replaced with a single page labeled "BLANK," and the listing on the PRPS website was revised to state that Paper No. 67 was "Expunged." I received email notification of Paper No. 67 at 10:56 AM EST on February 11, 2014. Attached hereto as Attachment E is a true and accurate copy of the PRPS System Notification email I received in that regard.

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

Date: _March 12, 2014_

Signature: _[signature]_____

James L. Wamsley

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