

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 CBM2013-00009
Patent 8,140,358

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. 8,140,358**

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 Rebuttal Declaration in this matter executed on August 16, 2013 as Exhibit 1031, and a Rule 42.64(b)(2) Declaration in this matter executed on September 6, 2013 as Exhibit 1041. (My information regarding experience, qualifications, and compensation has been provided along with my Rebuttal Declaration, Exhibit 1031, and CV, Exhibit 1032.)

II. Response to Evidentiary Objections

2. In my previous Rule 42.64(b)(2) Declaration, Exhibit 1041, I indicated that “I was familiar with and have used Interpretive Opinion 4 found in Exhibit 1033 on numerous occasions in my work during the period in which it was in force.” Ex. 1041, ¶ 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 30th day of September, 2013



Mary Lou O'Neil

At: Pittsburgh, Pennsylvania