

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

SIGHTSOUND TECHNOLOGIES, LLC

Patent Owner

Case CBM2013-00020

Patent 5,191,573

Before the Honorable MICHAEL P. TIERNEY, JUSTIN T. ARBES, and
GEORGIANNA W. BRADEN,
Administrative Patent Judges.

DECLARATION OF FLORA D. ELIAS-MIQUE

I, Flora D. Elias-Mique, make the following Declaration pursuant to 28 U.S.C.

§ 1746:

1. I am a Technical Document Specialist at the law firm of Ropes & Gray LLP.
2. I provide this Declaration in connection with the above-identified Covered Business Method Patent Review proceeding and Petitioner's Reply to Patent Owner SightSound Technologies LLC's Response. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Exhibit 4174 hereto is a true and correct copy of “How did *Computer Music Journal* Come to Exist?” by John Snell, published by The MIT Press in the Spring 2006 issue of *Computer Music Journal* (Vol. 30, No. 1), which I retrieved from JSTOR.org on February 25, 2014. The document, as printed, bears the label, “This content downloaded from 198.65.204.101 on Tue, 25 Feb 2014 11:13:49 AM,” and the label, “All use subject to JSTOR Terms and Conditions,” at the bottom of each page. The first page of the document also has an exhibit label, “Exhibit 16 – Snell 3.6.14,” at the bottom, as it was used in the March 6, 2014 Deposition of John Snell in the above-identified Covered Business Method Patent Review proceeding. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

4. Exhibit 4177 hereto is a true and correct copy of “Editor’s Notes” by Richard Mansfield, published in the March 1987 issue of *Compute!* (Vol. 9, No. 3, Issue 82), which was retrieved by InfoNOW, a commercial and document delivery service of the University of Minnesota, at my request. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

5. Exhibit 4178 hereto is a true and correct copy of an article by Rodney Mitchell JR., entitled “Conjuring up data over CATV,” published on February 2, 1987 in *Network World*, published by Network World, Inc., which I retrieved from LexisNexis® on March 20, 2014. An exhibit label on the first page and pages numbers

on all pages have been added to the bottom of this document but no other alterations have been made.

6. Exhibit 4179 hereto is a true and correct copy of an article by Florence Fabricant, entitled "How Telephone Orders Deliver the Goods," published on March 4, 1987 in The New York Times, which was retrieved from the New York Public Library at my request. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

7. Exhibit 4180 hereto is a true and correct copy of an article by Sheila Toomey, entitled "Like to shop at home? This is for you[;] All you need is a TV, phone and credit card or checks that don't bounce," published on September 13, 1987 in Anchorage Daily News, which was retrieved from the United States Library of Congress at my request. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

8. Exhibit 4181 hereto is a true and correct copy of an article by Betsy Lammerding, entitled "Shopping by TV a big turn-on for many buyers," published on January 25, 1987 in Akron Beacon Journal, which was retrieved from the United States Library of Congress at my request. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

9. Exhibit 4208 hereto is a true and correct copy of an article by Larry Sarisky, entitled “Will Removable Hard Disks Replace the Floppy?,” published in the March 1983 issue of Byte Magazine (Vol. 8, Number 3), by BYTE Publications Inc., which was retrieved by InfoNOW, a commercial and document delivery service of the University of Minnesota, at my request. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

10. Exhibit 4203 hereto is a true and correct copy of an article by Ruth Schubert, entitled “Tech-Savvy getting music for a song[;] Industry frustrated that Internet makes free music simple,” published in Seattle Post-Intelligencer on February 10, 1999, which was retrieved from the United States Library of Congress at my request. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

11. Exhibit 4206 hereto is a true and correct copy of an article by Stan Liebowitz, entitled “File Sharing: Creative Destruction or Just Plain Destruction?,” published in April 2006 in Vol. 49, No. 1 of the Journal of Law and Economics, which I retrieved from JSTOR.org on March 19, 2014. The document, as printed, bears the label, “This content downloaded from 198.65.204.101 on Wed, 19 Mar 2014 11:47:21 AM,” and the label, “All use subject to JSTOR Terms and Conditions,” at the bottom of each page. An exhibit label on the first page and pages numbers on all

pages have been added to the bottom of this document but no other alterations have been made.

12. Exhibit 4175 hereto is a true and correct copy of an article by Robin Raskin, entitled “Telecomputing[;] Shopping in Electronic Stores[;] Sick of Crowds? Tied Up at Work? Want to Compare Prices? Go Online and Browse.,” published in November 1985 in Vol. 3., No. 11 of Family Computing, published by Scholastic Inc., which was retrieved from the United States Library of Congress at my request. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

13. Exhibit 4176 hereto is a true and correct copy of an article by James Capparell, entitled “Three times as much Antic Software now on CompuServe,” published in the April 1988 issue (Vol. 6, No. 12) of ANTIC The ATARI[®] Resource, which I retrieved on March 21, 2014 from the internet address <https://archive.org/details/1988-04-anticmagazine>, to which all parties have access. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

14. Exhibit 4252 hereto is a true and correct copy of an article by May Wong, entitled “Apple's iPod in Short Supply for Holidays,” published on December 18, 2004 in Financial News, which I retrieved from LexisNexis[®] on March 21, 2014. An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document but no other alterations have been made.

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