

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of:
U.S. Patent No. RE40,520

Trial Number: To Be Assigned

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Inventor(s): Doktor, Karol

Assignee: Financial Systems
Technology (Intellectual Property) Pty.
Ltd.

Title: EASILY EXPANDABLE DATA Panel: To Be Assigned
PROCESSING SYSTEM AND
METHOD

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DECLARATION OF DR. STANLEY B. ZDONIK UNDER 37 C.F.R. § 1.68
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. RE40,520

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I, Dr. Stanley B. Zdonik, do hereby declare as follows:

I. INTRODUCTION

1. I have been retained as an expert witness on behalf of International Business Machines Corporation (“IBM”) for the above-captioned Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. RE 40,520 (“the ’520 Patent”). I am being compensated for my time in connection with this IPR at my standard consulting rate of \$750 per hour. My compensation is not affected by the outcome of this matter.
2. I have been asked to provide my opinions regarding whether the challenged claims of the Patent are invalid as anticipated or would have been obvious to a person having ordinary skill in the art at the time of the alleged invention.
3. The ’520 Patent is a reissue of U.S. Patent No. 5,826,259 (“the ’259 Patent”), which issued on October 20, 1998. (Ex. 1014, ’520 Patent.) The ’259 Patent issued from U.S. Patent Appl. No. 08/862,176 (“the ’176 Application”), filed on May 22, 1997. (*Id.*) The ’176 Application was filed as a continuation of U.S. Patent Appl. No. 08/439,207, filed on May 11, 1995, now U.S. Patent No. 5,675,779, which is a divisional of U.S. Patent Appl. No. 08/083,861, filed on June 28, 1993, now U.S. Patent No. 5,604,899, which is a continuation of U.S. Patent Appl. No. 07/526,424, filed on May 21, 1990, now abandoned. (*Id.*)

4. FST filed an application for reissue of the '259 Patent, U.S. Reissue Appl. No. 11/152,835 ("the '835 Reissue Application") on June 14, 2005. (Ex. 1015.) On September 1, 2005, Oracle Corporation ("Oracle") filed Reexamination Request No. 90/007,707 ("the '707 Reexamination"), a request for reexamination of the '259 Patent. (Ex. 1016.) Oracle's '707 Reexamination request was granted, and the '835 Reissue Application and '707 Reexamination proceedings were merged. (Ex. 1017; Ex. 1018.) On May 9, 2007, Oracle filed Reexamination Request No. 90/008,648 ("the '648 Reexamination"), a second request for reexamination of the '259 Patent, given a filing date of June 11, 2007. (Ex. 1021; Ex. 1031) On September 23, 2008, the '259 Patent was reissued as the '520 Patent. (Ex. 1005.)
5. The face of the '520 Patent names Karol Doktor as the purported inventor and identifies Financial Systems Technology (Intellectual Property) Pty. Ltd. ("FST") as the purported assignee of the '520 Patent. I have been asked to assume that the priority date of the alleged inventions recited in the '520 Patent is May 21, 1990.
6. In preparing this Declaration, I have reviewed the '520 Patent, file histories related to the '520 Patent, numerous prior art references, statements made by FST regarding the alleged meaning and scope of terms and phrases recited in

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