



at the rear of this declaration. My educational and professional background is summarized below.

3. To summarize my educational and academic background, I was educated at a preparatory school in England, and attended one year of public school there. I then immigrated to the United States where I attended the University of Chicago Lab School. I then attended the University of Chicago where I earned BS and PhD degrees in the field of Chemistry. My PhD work in Chemistry involved substantial use of computers. After receiving my PhD degree, I took a position as Assistant Professor of Computer Science at the Illinois Institute of Technology in 1968.
4. I thereafter received tenure as an Associate Professor of Computer Science at the Illinois Institute of Technology. I was Full Professor of Computer Science, CIMS, NYU, since 1975, and am currently Professor Emeritus at New York University in the Department of Computer Science. I was Chairman of the Department of Computer Science from 1977-1980 at CIMS, NYU. I was Director of Undergraduate Studies, Computer Science from 1981-1987, CIMS, NYU. I was Associate Director of Courant Institute, from 1994-1997.
5. My teaching experience as a Professor includes (i) undergraduate courses relating to Introduction to programming for non-majors, first course for

majors (CS1/CS2 equivalents, taught in Fortran, Pascal, SNOBOL, Ada 95), Assembly language and Computer Architecture, Operating Systems, Microprocessors, Text processing systems, Programming Languages, Formal language theory, Numerical Analysis, Data processing, and Introduction to Algol-68, and (ii) graduate courses relating to Formal language theory, Theory of Computation, Algorithms, Programming Languages, Compilers, Data Communications, Microprocessor Architectures, Real Time Systems, Information Theory, and Programming by Transformation.

6. I have authored or co-authored numerous articles and books relating to computer science, programming, and data processing systems, as shown in my CV.
7. My research has centered on compilers, programming languages, operating systems, and microprocessor architectures. I have engaged in extensive consulting (apart from serving as an expert witness) in the area of operating systems and distributed systems, including writing several operating systems for Honeywell used in distributed applications such as airline reservations and freight management.
8. In 1994 I founded Ada Core Technologies to commercially exploit the work on Ada (programming language) that I was involved with at New

York University. I became CEO and President of Ada Core Technologies.

9. I retired from New York University in 2005.
10. I have received numerous awards including the SIGAda (Special Interest Group on Ada) award for outstanding Ada Community Contributions, as well as several other awards, which are listed in my attached CV.
11. I am familiar with USENETs and Bulletin Board Systems, and used the same in the 1980s and 1990s.
12. I have served as an expert witness on a number of occasions in cases involving patent and copyright issues. A list of several cases in which I served as an expert witness can be found in my attached CV.
13. I am being compensated for my time at the rate of \$500/hour for service that I am providing in connection with these Inter Partes Reviews (IPRs). My compensation is not contingent upon my performance, the outcome of this review, or any issues involved or related to this review.
14. I have reviewed and am familiar with at least the following documents, and any other document mentioned herein: the '280 patent; U.S. Patent No. 5,649,196 to Woodhill (Woodhill); Langer; the Mercer declaration; and the Mercer deposition transcript. It is my understanding that the '280 patent has an effective filing date of April 11, 1995.

## My Understanding of the Law Regarding Patent Validity

15. The following is what I have been told about the law regarding validity of a patent, and it represents my understanding of the same. It is my understanding that Rackspace (who I understand is a “petitioner” in this proceeding) has the burden of proving invalidity in an IPR proceeding by a preponderance of the evidence. As explained below, it is my opinion that the challenged claims of the ‘280 patent are not invalid under this standard.

16. Anticipation. It is my understanding that a claim of a patent is “anticipated” only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. If even a single element is missing, the claim is not anticipated. It is my understanding that a feature is “inherent” in a reference only if that feature is necessarily present in the reference - not merely probably or possibly present. Furthermore, it is my understanding that in order to anticipate, a prior art reference must not only disclose all elements of the claim, but must also disclose those elements arranged as in the claim.

17. Obviousness. It is my understanding that a patent claim is invalid for “obviousness” if the claimed invention as a whole would have been

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