IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of: Farber et al.	§	
	§	Petition for *Inter Partes* Review
U.S. Patent No. 6,415,280	§	
	§	Attorney Docket No.: 47015.131
Issued: November 2, 1999	§	
	§	Customer No.: 116298
Title: IDENTIFYING AND	§	
REQUESTING DATA	§	Real Parties
IN NETWORK USING	§	in Interest: Rackspace US, Inc. and
IDENTIFIERS WHICH	§	Rackspace Hosting, Inc.
ARE BASED ON	§	
CONTENTS OF DATA	§	

DECLARATION OF MELVIN RAY MERCER

I, Melvin Ray Mercer, do hereby declare as follows:

1.   I am making this Declaration at the request of Petitioner, Rackspace

US, Inc., in connection with a Petition for *Inter Partes* Review of U.S. Patent

No. 6,415,280 to Farber and Lachman, entitled "IDENTIFYING AND

REQUESTING DATA IN NETWORK USING IDENTIFIERS WHICH ARE

BASED ON CONTENTS OF DATA" ("the '280 Patent").

2.   I am being compensated at my normal consulting rate for my work.

My compensation is not dependent on and in no way affects the substance of my

statements in this Declaration.

3.   I have no financial interest in Petitioner. I have been informed that

PersonalWeb Technologies, LLC ("PersonalWeb") and Level 3 Communications,

LLC ("Level 3") each purport to own 50% of the '280 Patent. I have no financial

interest in PersonalWeb or Level 3, and I have had no contact with either company.

I similarly have no financial interest in the '280 Patent, and have had no contact

with the named inventors of the '280 Patent: David A. Farber and Ronald D.

Lachman.

4.   In the preparation of this Declaration, I have studied:

    a. the '280 Patent, RACK-1001;

    b. the prosecution history of the '280 Patent, RACK-1002;

    c. U.S. Patent No. 5,649,196, ("Woodhill"), RACK-1003;

    d. Albert Langer, "Re: dl/describe (File descriptions)," post to the
       "alt.sources" newsgroup on August 7, 1991 ("Langer"),
       RACK-1004;

    e. Decision, Institution of *Inter Partes* IPR2013-00082, RACK-1005.

    f. Decision, Institution of *Inter Partes* IPR2013-00083, RACK-1006.

5.   In forming the opinions expressed below, I have considered:

    a. The documents listed above;

    b. The relevant legal standards, including the standard for
       obviousness provided in *KSR International Co. v. Teleflex, Inc.*,

550 U.S. 398 (2007) and any additional authoritative documents as cited in the body of this declaration; and

c. My knowledge and experience based upon my work in this area as described below.

My Qualifications and Professional Experience

6.   My qualifications are set forth in my curriculum vitae, a copy of which is attached as Appendix A to this Report. A short synopsis of that material follows.

7.   I have more than 45 years of dual industrial and academic experience in Electrical Engineering and Computer Engineering. I received a B.S. in Electrical Engineering from Texas Tech University in 1968. From 1968 to 1973, I was a Research/Development Engineer at General Telephone and Electronics Sylvania in Mountain View, California, and I received an M.S. in Electrical Engineering from Stanford University in 1971. During this period, I programmed minicomputer systems (predecessors to personal computers, smartphones, and modern servers) in machine language, assembly language and various higher-level languages. I wrote simple Operating Systems, and most of the applications involved real-time processing as a significant aspect of the systems design.

8.   From 1973 to 1977, I was a Member of Technical Staff at Hewlett-Packard's Santa Clara Division and subsequently at Hewlett-Packard Laboratories

in Palo Alto, California. During this time, I continued to develop application programs - mostly in the area of real-time data acquisition and control of systems. In addition to designing the software associated with these systems, I also designed interface hardware to interact with the software of the computers and accomplish various tasks. Some of the applications I developed involved a significant number of data files associated with (to my knowledge) the first full scale study of the impact of environmental factors on the degradation of liquid crystal materials – such as those used in electronic clocks and watches.

9.   From 1977 to 1980, I was a Lecturer in the Division of Mathematics, Statistics, and Computer Science at the University of Texas at San Antonio. As the director of a laboratory for teaching students to program and build hardware interfaces with computers, I purchased, built, and operated some of the earliest personal computers. I received a Ph.D. in Electrical Engineering from the University of Texas at Austin in 1980.

10.   From 1980 to 1983, I was a Member of Technical Staff at Bell Laboratories in Murray Hill, New Jersey. My work involved the programming of computers and the hardware design of components for communication systems. Among other things, I was part of a three-person team that designed, tested, and directed the manufacture of an integrated circuit that was a key component in a digital telephone modem. This work involved significant amounts of data – mostly

produced on a Cray machine with issues of version control, data access, etc. I also was involved with telephone switching system engineers, who at that time were developing the 5ESS Telephone Switch. Such telephone systems have very sophisticated data handling constraints with, for example the classes of service and charges to customers for those services.

11. In 1983, I was appointed Assistant Professor of Electrical and Computer Engineering at the University of Texas at Austin. In 1987, I was promoted to Associate Professor and Professor in 1991. During this period I taught Computer Engineering courses at the undergraduate and graduate level, and I directed the research of graduate students. I consulted with (and my research was funded by) numerous industrial organizations (including AT&T).

12. In 1995, I was appointed Professor of Electrical and Computer Engineering, Leader of the Computer Engineering Group, and Holder of the Computer Engineering Chair at Texas A&M University in College Station, Texas. My teaching, my research, my technical publications, and my supervision of graduate students during this period included the areas of the design and implementation of digital hardware and software systems, and my administrative duties - including the growth and enhancement of the Computer Engineering Group - directly involved Internet-based communication and control issues. As with my work at The University of Texas at Austin during this period, I taught

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