IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of: Farber et al.	§	
	§	
U.S. Patent No. 7,802,310	§	Petition for *Inter Partes* Review
	§	
Issued: September 21, 2010	§	Attorney Docket No.: 47015.136
	§	
Title: CONTROLLING ACCESS TO	§	Customer No.: 116298
DATA IN A DATA	§	
PROCESSING SYSTEM	§	Real Parties
	§	in Interest: Rackspace US, Inc. and
	§	Rackspace Hosting, Inc.

DECLARATION OF DR. MELVIN RAY MERCER

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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. 7,802,310 to Farber and Lachman, entitled "CONTROLLING ACCESS TO DATA IN A DATA PROCESSING SYSTEM" ("the '310 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 '310 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 '310 patent, and have had no contact with the named inventors of the '310 patent: David A. Farber and Ronald D. Lachman.

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

    a. the '310 patent (**RACK-1001**);

b. the prosecution history of the '310 patent (**RACK-1002**), including

U.S. Application No.: 11/980,687, filed October 31, 2007;

c. the various U.S. Applications to which the '310 patent purports to

claim priority, namely, U.S. Application No.: 08/425,160, filed

April 11, 1995 (**RACK-1015**), U.S. Application No.: 09/283,160,

filed April 1, 1999 (**RACK-1016**), U.S. Application No.:

09/987,723, filed November 15, 2001 (**RACK-1018**), U.S.

Application No.: 10/742,972, filed December 23, 2003 (**RACK-**

1019), U.S. Application No.: 11/017,650, filed December 22, 2004

(**RACK-1020**), U.S. Application No.: 11/724,232, filed March 15,

2007 (**RACK-1024**);

d. U.S. Patent No. 5,649,196, entitled "System and Method for

Distributed Storage Management on Networked Computer

Systems Using Binary Object Identifiers," granted on U.S.

Application No.: 08/555,376, filed Nov. 9, 1995 as a continuation

of application 08/085,596, filed July 1, 1993 ("*Woodhill*," **RACK-**

1003);

e. U.S. Patent No. 4,845,715, entitled "Method for Maintaining Data

Processing System Securing," granted on U.S. Application No.:

07/065,169, filed June 17, 1987 ("*Francisco*," **RACK-1004**);

f. PCT International Publication WO 96/32685, naming KINTECH, INC. as Applicant, dated October 17, 1996 (the "WO 96/32685 publication," **RACK-1005**);

g. U.S. Patent No. 7,289,643, entitled "Method, Apparatus and Programs for Generating and Utilizing Content Signatures," granted on U.S. Application No.: 10/027,783, filed December 19, 2001 ("*Brunk,*" **RACK-1006**);

h. Albert Langer, "Re: dl/describe (File descriptions)," article <1991Aug7.225159.786@newshost.anu.edu.au> in Usenet newsgroups "alt.sources.d" and "comp.archives.admin" (August 7, 1991) ("Langer," **RACK-1007**); and

i. Decision to Institute *Inter Partes* Review, IPR2013-00082 (**RACK-1008**);

I. My Qualifications and Professional Experience

5.   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.

6.   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.

7.   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.

8.   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

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