

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

**DECLARATION OF NARASHIMHA REDDY**

I, Narashimha Reddy, declare as follows:

1. I have been asked by Petitioner to provide this Declaration regarding certain factual issues that are common to multiple Inter Partes Review proceedings.

**I. Background**

2. My name is A. L. Narasimha Reddy. I am currently the J.W. Runyon Professor of Electrical and Computer Engineering at Texas A&M University in College Station, Texas. I have over 25 years of experience in a wide variety of technologies and industries relating to data storage and retrieval.

3. I was a graduate student at the University of Illinois, Urbana-Champaign during August 1985–August 1990 and I was a Research Staff Member at IBM Almaden Research Center during August 1990–August 1995. I joined Texas A&M University as a faculty member in August 1995. I have been using Usenet newsgroups from 1985 onwards. Usenet newsgroups provided an easy mechanism to share information and learn from others.

4. Usenet newsgroups are organized based on various topics related to computer technology, social issues, and any other topic that people would like to discuss with others. I used to subscribe to several computer-related newsgroups and some social newsgroups. Until the World Wide Web became popular, newsgroups were one of the fastest ways to disseminate information to others. People with similar interests gather and post articles on different topics in different newsgroups.

5. A complete curriculum vitae, including a list of my publications, is attached hereto as Appendix B.

6. The testimony I provide in this Declaration is based on my personal knowledge of the relevant facts. A list of the materials that I reviewed in

preparation for this Declaration is attached hereto as Appendix A. In addition, I reviewed each of the materials cited or referred to in this Declaration, even if not listed in Appendix A.

## II. The LANGER Reference

7. I have been asked to provide my understanding of certain facts relating to the following document:

- Albert Langer, “Re: dl/describe (File descriptions),” article <[1991Aug7.225159.786@newshost.anu.edu.au](mailto:1991Aug7.225159.786@newshost.anu.edu.au)> in Usenet newsgroups “alt.sources.d” and “comp.archives.admin” (August 7, 1991) (the “Langer Reference,” RACK-1007).

8. I obtained a copy of the Langer Reference (RACK-1007) from the “Google Groups” website, at the web address <https://groups.google.com/>. Google Groups contains a compilation of Usenet articles going back to the 1980s and is recognized as a key archive of Usenet articles. For example, running a Google Groups search on the term “albert langer unique identifier” returns the Langer Reference as one of the top results.

9. As explained more fully below, it is my belief that the Langer Reference was publicly accessible on or about August 7, 1991.

10. The Langer Reference is a Usenet article dated August 7, 1991. I have been familiar with Usenet since 1985 and more specifically, I was familiar with Usenet during the 1991–1992 time frame. Usenet was a worldwide system that facilitated discussion of various topics. Usenet was built on top of interconnected “news servers”. Clients connect to news servers to get access to articles posted on Usenet. A user could send and receive articles from their own computers. These computers connect to news servers that distribute articles to other news servers

across the world. Articles were grouped into “newsgroups,” with each newsgroup covering a specific topic (both technical and non-technical). Usenet nodes automatically communicated among themselves to propagate articles to the entire network, which included many thousands of nodes worldwide. Users subscribed to different newsgroups and any new postings on those newsgroups are delivered to the subscribing users. Users can comment and reply to earlier articles, and the articles are threaded into different topics, much like e-mail systems do now.

11. During the 1991–1992 time frame, I subscribed to several newsgroups in technical areas close to my research interests (e.g., computer networking, storage systems, computer architecture, and others). I regularly read articles from those newsgroups. Many of those newsgroups and articles were in the same technical field as the Langer Reference, namely, the management and distributed storage of data. I relied on Usenet as a significant and timely source of information to follow development in different technical fields. In that time frame, researchers regularly wrote Usenet articles to disseminate new ideas and to comment on others’ articles. Because the Usenet community was heavily concentrated around computer science departments, Usenet was a natural forum to discuss topics such as computer systems and networking.

12. It is my belief that the Langer Reference is a true and correct copy of the document that Petitioner claims it is. Like all Usenet articles, the Langer Reference includes several “header fields” that provide essential information about the document. Each of those header fields has the format and content one would expect of an authentic Usenet article from the 1991 time frame. For example, the “From:” field identifies the article’s author (Albert Langer). The “Newsgroups:” field indicates that the article was posted to two newsgroups: “alt.sources.d” and “comp.archives.admin.” These newsgroups are listed in the well-known syntax one

would expect. The “Subject:” field indicates the subject matter of the article, namely, a computer program relating to “File descriptions” that was posted to the “alt.sources” newsgroup. The “Message-ID:” field includes a unique identifier for the article. The “Date:” field indicates that the article was posted on August 7, 1991 at approximately 10:52 p.m. GMT, which would have been automatically generated when the article was posted to Usenet. The simple, plain-text formatting and the use of email-like visual conventions (e.g., lines beginning with “>” to quote another article) are also consistent with the format of Usenet articles from the 1991 time frame. While a Usenet article has some similarities to an e-mail, it also has distinctive characteristics which identify it as a Usenet article. The presence of the “Newsgroups:”, “References:”, “Followup-To:”, “Organization:”, and “Lines:” fields all would have been normal for a Usenet article but unusual in e-mail. The address that appears in the “Sender:” field shows that this post originated from the newshost machine in Australian National University. In addition, this article was posted by Albert Langer as a reply to an earlier article, as noted by “Re:” in the subject header. Finally, the “Path:” header field contains the particular list of Usenet nodes that the article traversed until it reached the point where it was archived. I am confident that the Langer Reference (RACK-1007) was published to Usenet on the approximate date and time indicated and that the header and contents of the article in RACK-1007 are as originally posted.

13. It is also my belief that the Langer Reference was publicly accessible prior to April 11, 1994. During the 1991–1992 time frame, Usenet was one of the preeminent Internet-based sources of information in a variety of technical fields. During that time, Usenet was widely available to University faculty, students, and staff, as well as to research and development employees of several commercial institutions that had Internet access. In addition, in the same time frame, access to

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