

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

AT HOME BONDHOLDERS' LIQUIDATING TRUST
Patent Owner

Case IPR: Unassigned
U.S. Patent 6,286,045

DECLARATION OF PAUL J. LEACH

I, Paul J. Leach, hereby declare as follows.

I. Overview

1. I have been retained as an expert witness on behalf of Google Inc. for the above-captioned *inter partes* review (IPR).

2. I am over the age of eighteen (18) and otherwise competent to make this declaration. I am being compensated for my time in connection with this IPR at my standard consulting rate, which is \$300 per hour. I understand that the petition for *inter partes* review involves U.S. Patent No. 6,286,045 ("the '045 patent"), GOOG 1001, which resulted from U.S. Application No. 08/858,650 ("the '650 application"), filed on May 19, 1997, naming Michael John Griffiths and James David McElhiney as the inventors. The '045 patent issued on September 4, 2001, from the '650 application. I further understand that, according to USPTO records, the '045 patent is currently assigned to At Home Bondholders' Liquidating Trust ("Patent Owner").

3. In preparing this Declaration, I have reviewed the '045 patent and considered each of the documents cited herein, in light of general knowledge in the art. In formulating my opinions, I have relied upon my experience in the relevant art and have also considered the viewpoint of a person of ordinary skill in the art.

4. I am familiar with the technology at issue as of the May 19, 1997 filing date of the '045 patent. I am also familiar with a person of ordinary skill in

the art with respect to the technology at issue as of the May 19, 1997 filing date of the '045 patent.

II. My Background and Qualifications

5. I have extensive experience in network architecture and information delivery, including advertisements, since at least 1997. Throughout the remainder of this declaration, I will refer to the field of network architecture and information delivery as the relevant field or the relevant art. In formulating my opinions, I have relied upon my training, knowledge, and experience in the relevant art. A copy of my current curriculum vitae is provided as GOOG 1006, and it provides a comprehensive description of my academic, employment, research and professional history.

6. With my extensive experience in the field of network architecture and information delivery prior to 1997, I am qualified to provide an opinion as to what a person of ordinary skill in the art would have understood, known or concluded as of 1997.

7. Since 1972, I have accumulated significant experience in the field of network architecture and information delivery over the Internet, including being a named inventor on 70 issued U.S. Patents. I attended the Massachusetts Institute of Technology from 1969-1972 and from 1977-1978. I was a Distinguished Engineer at the Microsoft Corporation and an Apollo Fellow at Apollo Computer/Hewlett-

Packard. I am currently an Affiliate Professor at the University of Washington and have held this position since 1992. I was also a member of the Adjunct Faculty at Boston University from 1979 to 1980.

8. I have been a Member of numerous Program Committees for ACM Conferences, Symposiums and Workshops, including being a Member of numerous IEEE Workshops and USENIX Conferences. I was a contributor to both the HTTP 1.0 and HTTP 1.1 specifications. Prior to the finalization of an HTTP specification there are multiple drafts that are published, mailed to the HTTP working group and an announcement mailing list, and also made available to the general public. For example, the HTTP 1.0 draft v10, spec-05, referred to in this declaration as GOOG 1008, is dated February 19, 1996 and was mailed to the HTTP working group and published to the general public on February 20, 1996. Similarly, the HTTP 1.1 draft v11, spec-03, referred to in this declaration as GOOG 1026, is dated May 2, 1996 and was mailed to the HTTP working group and published to the general public on May 3, 1996.

9. I have authored or co-authored over 14 technical publications in the areas of network architecture, distributed computing, operating systems, HTTP protocol and authentication, and Hit-Metering. I was a co-author of two books on Network Computing and authored or co-authored another five refereed publications on distributed systems and network architecture.

10. Additional contributions of mine to the field are set forth in my current *curriculum vitae* (GOOG 1006).

11. I have been asked to opine on the state of the art as of the May 19, 1997 filing date of the '045 patent.

III. Person of Ordinary Skill in the Art

12. I understand that a person of ordinary skill in the art is one who is presumed to be aware of all pertinent art, thinks along conventional wisdom in the art, and is a person of ordinary creativity. A person of ordinary skill in the art ("POSA") would have had knowledge of Internet advertisement, including knowledge of banner display counting, cache usage, and various HTTP-related technologies as of 1997.

13. In my opinion a POSA typically would have had at least (a) a Bachelor of Science degree in computer science and/or a similar field or (b) at least 3 years of experience in web-based information management and delivery systems.

14. Based on my education and experience, I would have easily exceeded these criteria in 1997, and I still exceed them today.

IV. State of the Art as of May 19, 1997

A. '045 File History

15. I was asked to review the '045 patent file history to determine what the applicants described as being the inventive aspect of the application. I found

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