UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.
Petitioner

v.

AT HOME BONDHOLDERS' LIQUIDATING TRUST
Patent Owner

_____

Case IPR No. <u>Unassigned</u>
U.S. Patent 6,286,045

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DECLARATION OF PETER KENT

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I, Peter Kent, hereby declare as follows.

I.   Overview

1.   I am over the age of eighteen (18) and otherwise competent to make this declaration.

2.   I have been retained as an expert witness on behalf of Google Inc. for the above-captioned *inter partes* review (IPR). I am being compensated for my time in connection with this IPR at my standard consulting rate, which is $350 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. I understand that the effective filing date of the '045 patent is May 19, 1997. I further understand that, according to USPTO records, the '045 patent is currently assigned to At Home Bondholders' Liquidating Trust ("Patentee").

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. I have also considered the viewpoint of a person of ordinary skill in the art (*i.e.*, a person of ordinary skill in the field of web-based information management

and delivery, defined further below in Section IV) prior to May 19, 1997. I am familiar with the technology at issue as of the May 19, 1997 effective filing date of the '045 patent. I am also familiar with the level of ordinary skill in the art with respect to the technology at issue as of the May 19, 1997 effective filing date.

II. *My Background and Qualifications*

4.   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 1004, and it provides a comprehensive description of my academic and employment history.

5.   I had direct experience with banner advertising dating back to the mid-1990s and am very familiar with banner advertising mechanisms during that time frame. I am experienced with a variety of advertising systems from the mid-1990s to the present, all of which included various tools for counting ad impressions. Over the last 20 years, I worked with numerous systems that count hits of various kinds such as Google Analytics, Analog, AWStats, Webalizer, Urchin, and Webtrends.

6.   I am knowledgeable with respect to clearing and blocking browser caches and cache-blocking mechanisms that ensure that the correct ad is displayed with various HTML meta tags, such as the pragma and cache-control tags. I began working with HTML in 1993 and have been involved in Web development in various roles since then.

7.   In addition to authoring online-advertising portions of *Poor Richard's Web Site* in 1997, I authored *Pay Per Click Search Engine Marketing for Dummies* in 2005.

8.   My other publications related to online advertising include *How to Make Money Online with eBay, Yahoo!, and Google*; *Poor Richard's Internet Marketing and Promotions: How to Promote Yourself, Your Business, Your Ideas Online*; and *The CDnow Story: Rags to Riches on the Internet*.

9.   I have extensive online experience, dating back to 1984 (*e.g.*, participating in bulletin boards and online services, designing CompuServe navigation tools, and creating web pages). I have been working on the Internet day-to-day since 1993. I also have been working in software development since 1981 and in cyberspace-software development since 1991.

10.   I received a B.A. degree, in Geography/Geology, from University of Sheffield, United Kingdom, in 1978.

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