

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**DECLARATION OF CHARLES RANDALL CARPENTER
REGARDING 1997 ARTICLE ENTITLED "AN INTEGRATED GLOBAL
GIS AND VISUAL SIMULATION SYSTEM"**

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SYSTEM"

I, Charles Randall ("Randy") Carpenter, make the following declaration
under penalty of perjury:

1. My name is Charles Randall Carpenter. I am a retired research
faculty member from the Georgia Institute of Technology ("Georgia Tech")

5 College of Computing.

2. I have a B.S. in Mathematics and an M.S. in Computer Science from
Georgia State University.

3. I worked at Georgia Tech from 1998 to 2014 and held various
positions. Between 1994 and 1998, I was a research scientist in Georgia Tech's
10 Graphics, Visualization, and Usability (GVU) Center, where I was the Manager of
the GVU Lab. As part of my duties as the Manager of the GVU Lab, I oversaw
publication of certain publications originating out of the GVU Lab. Some papers
based on research originating out of the GVU Lab were published online as GVU
Technical Reports, which would be made accessible to the public via File Transfer
15 Protocol and could be located and accessed from the Georgia Tech library website.

4. In the mid-1990s, a group of researchers including Dr. Peter
Lindstrom worked on a project related to a visual simulation system called Virtual
Geographic Information System, or VGIS.

5. The VGIS system was partially described in a research paper titled
20 "An Integrated Global GIS and Visual Simulation System," written by Peter

Lindstrom, David Koller, William Ribarsky, Larry F. Hodges, Augusto Op den Bosch, and Nick Faust. I will refer to this publication simply as "the Lindstrom Publication" for purposes of this declaration.

6. The Lindstrom Publication was published online on the Georgia Tech website as a GVV Technical Report in 1997. I specifically recall the publication of the Lindstrom Publication online in 1997 and I am confident based on my own recollection that the Lindstrom Publication was published that year because I worked with Dr. Lindstrom in handling the publication of the Lindstrom Publication.

7. The Lindstrom Publication was published online as a GVV Technical Report in 1997 and was available to the public for free through the Georgia Tech website and File Transfer Protocol (FTP) site. The Lindstrom Publication could have been located by the general public through a search of the online Georgia Tech catalog. The general public could also locate and obtain a copy of the Lindstrom publication through a regular Internet search engine. I checked the GVV FTP site in 1997 after the Lindstrom Publication was published online and observed that the Lindstrom Publication was, in fact, available for download in a location accessible to the public.

8. I was responsible for handling the online publication of the Lindstrom Publication via the GVV website and FTP site in 1997. I received a copy of the

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Lindstrom Publication in approximately April 1997 from Elaine Swobe, the GVU Center's technical report coordinator. Under our normal procedures, Ms. Swobe would accept submissions for publications and then send them for me to post on the GVU web site.

5 9. At the time the Lindstrom Publication was published in 1997, it was made available to the public at the GVU FTP site located at <ftp://ftp.gvu.gatech.edu>. Subsequent to the online publication of the Lindstrom Publication, the ftp site was changed to a different address at <ftp://ftp.cc.gatech.edu>. While the address changed, the current address still directs
10 users to the same Georgia Tech FTP directory to which I uploaded the Lindstrom Publication in 1997. The Lindstrom Publication is currently available at <ftp://ftp.cc.gatech.edu/pub/groups/gvu/tr/1997/97-07.pdf>, while the color plates that were published as part of this figure are available at <ftp://ftp.cc.gatech.edu/pub/groups/gvu/tr/1997/97-07.figures.pdf>.

15 10. Attached to this declaration as Exhibit A is a true and correct copy of the Lindstrom Publication that was made publicly accessible in 1997. I recognize Exhibit A as a true and correct copy of the Lindstrom Publication from my own recollection and because I retrieved this document from the publicly available GVU server. The document on the GVU server contains a time stamp showing the
20 dates when the Lindstrom Publication was uploaded to the GVU server.

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11. At the request of Microsoft's counsel, I took a screen shot on my computer of the relevant portions of the directory of 1997 GVU Technical Reports showing the time stamps when the Lindstrom Publication and its associated figures were uploaded to the GVU server. A copy of that screen shot is attached below:

```
ftp> pwd
Remote directory: /pub/groups/gvu/tr/1997
ftp> ls -l
229 Entering Extended Passive Mode (|||49836|)
150 Here comes the directory listing.
-rw-rw-r-- 1 2367 1800 442521 Jun 16 1998 97-01.pdf
-rw-rw-r-- 1 2367 1800 15295735 Jun 15 1998 97-01.ps.Z
-rw-rw-r-- 1 2367 1800 13388305 Mar 05 1997 97-02.cps.Z
-rw-rw-r-- 1 2367 1800 251678 Feb 13 1998 97-02.cps.pdf
-rw-rw-r-- 1 2367 1800 215404 Feb 13 1998 97-02.pdf
-rw-rw-r-- 1 2367 1800 1544178 Mar 05 1997 97-02.ps.Z
-rw-rw-r-- 1 2367 1800 149394 Feb 13 1998 97-03.pdf
-rw-rw-r-- 1 2367 1800 550305 Mar 05 1997 97-03.ps.Z
-rw-rw-r-- 1 2367 1800 105288 Feb 13 1998 97-04.pdf
-rw-rw-r-- 1 2367 1800 192757 Mar 31 1997 97-04.ps.Z
-rw-rw-r-- 1 2367 1800 71235 Feb 13 1998 97-05.pdf
-rw-rw-r-- 1 2367 1800 100369 Mar 31 1997 97-05.ps.Z
-rw-rw-r-- 1 2367 1800 24120 Feb 13 1998 97-06.pdf
-rw-rw-r-- 1 2367 1800 27774 May 07 1997 97-06.ps.Z
-rw-rw-r-- 1 2367 1800 72226 Feb 13 1998 97-07.figures.pdf
-rw-rw-r-- 1 2367 1800 7543633 May 08 1997 97-07.figures.ps.Z
-rw-rw-r-- 1 2367 1800 197772 Feb 13 1998 97-07.pdf
-rw-rw-r-- 1 2367 1800 849503 May 07 1997 97-07.ps.Z
-rw-rw-r-- 1 2367 1800 973485 Feb 13 1998 97-08.pdf
-rw-rw-r-- 1 2367 1800 549966 May 08 1997 97-08.ps.Z
-rw-rw-r-- 1 2367 1800 334921 Feb 13 1998 97-09.pdf
-rw-rw-r-- 1 2367 1800 362615 Jul 17 1997 97-09.ps.Z
-rw-rw-r-- 1 2367 1800 230034 Feb 13 1998 97-10.pdf
-rw-rw-r-- 1 2367 1800 314981 Jul 23 1997 97-10.ps.Z
-rw-rw-r-- 1 2367 1800 180560 Feb 13 1998 97-11.pdf
-rw-rw-r-- 1 2367 1800 403025 Jul 17 1997 97-11.ps.Z
-rw-rw-r-- 1 2367 1800 171742 Feb 13 1998 97-12.pdf
-rw-rw-r-- 1 2367 1800 135074 Jul 17 1997 97-12.ps.Z
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12. The above screen shot shows that the Lindstrom Publication and accompanying figures were uploaded to the directory as PostScript files on May 8,

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