

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYMANTEC CORP.

Petitioner

v.

FINJAN, INC.

Patent Owner

Case IPR2015-01892
U.S. Patent No. 8,677,494

**Declaration of Joseph Kiegel in Support of
Petition for *Inter Partes* Review of U.S. Patent No. 8,677,494**

I, Joseph A. Kiegel, declare as follows:

1. I am employed at the University of Washington Libraries (“UWL”) and my current title is Head, Cataloging and Metadata Services. I have served in this capacity since July 2012 at the UWL. Before that I was Head, Monographic Services Division, and in the period of May, 1995 to September, 1998 I was Head of the Cataloging Division at the UWL. I have worked for the UWL for almost 32 years. I am more than twenty-one years of age, and I make this declaration based on my own personal knowledge.

experience, and belief. If called upon, I can testify competently to the facts stated in this declaration.

2. The UWL is the premier academic library in the Pacific Northwest. Its mission is to advance intellectual discovery and enrich quality of life by connecting people with knowledge. The UWL is an Online Computer Library Center (OCLC) participating institution.

3. I am fully familiar with UWL cataloging and shelving practices, including the ones that would have been followed in, and the period surrounding, December 1995.

4. Attached hereto as Exhibit Symantec 1026 is a true and correct copy of the Proceedings of the Fifth International Virus Bulletin Conference, September 20-22, Boston, MA (the "Virus Bulletin Proceedings,") which is held and maintained by the UWL in its Engineering Library. I inspected Symantec Exhibit 1026 and verified that it matched and corresponded to the contents of the Virus Bulletin Proceedings which is held and maintained by the UWL.

5. To the best of my knowledge, in or about December 1995, titles that were acquired by the UWL, including the Virus Bulletin Proceedings, were cataloged in the main library in my department. This includes creating

a MARC record for a particular title in OCLC and transferring that record to the UWL computer catalog system. Titles that were catalogued by the UWL main library, including the Virus Bulletin Proceedings, were subsequently prepared for shelving (including a call number label and a property stamp in black ink reading "University of Washington Libraries") and sent to the holding library where they are shelved. With respect to the Virus Bulletin Proceedings, the holding library is the Engineering Library which is a branch of the UWL. At that time, the Engineering Library had a practice of date stamping materials upon receipt from the main library. A date stamp of December 9, 1995 appears on the table of contents of the Virus Bulletin Proceedings (applied in blue ink over the property stamp), as can be seen from Exhibit Symantec 1026 and from the Virus Bulletin Proceedings title held and maintained by the UWL. I have specifically discussed the matter of shelving time with staff in the Engineering Library and been informed that, at that time, titles were normally shelved within a few days of the date on that stamp, consistent with normal branch library practice.

6. In view of the foregoing, the Virus Bulletin Proceedings maintained by the UWL, a true and correct copy of which constitutes Exhibit Symantec 1026, would have been on the shelf in the Engineering Library available to the public on or about December 15, 1995.

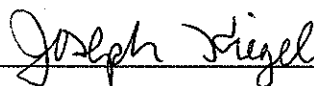
7. This is further consistent with the MARC record created by the UWL, a copy of which is attached as Exhibit Symantec 1011. When a MARC record is created by the UWL, OCLC automatically supplies the date of creation of that record. In this case, the MARC record for the Virus Bulletin Proceedings which was acquired by the UWL was first created on December 1, 1995 by a cataloger at the UWL, as evidenced by Exhibit Symantec 1011.

8. Exhibit Symantec 1026 constitutes a record of regularly conducted business activity which was (A) made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters; (B) kept in the course of the regularly conducted activity; and (C) made by the regularly conducted activity as a regular practice.

In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on 4/21/2016



Joseph Kiegel