IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COMMAND WEB OFFSET COMPANY, INC.; WORZALLA PUBLISHING
COMPANY; SANDY ALEXANDER, INC.; PUBLICATION PRINTERS CORP.;
SPECIALTY PROMOTIONS, INC.;
AND TREND OFFSET PRINTING SERVICES INC.,

Petitioners,

v.

CTP INNOVATIONS, LLC,

Patent Owner.

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Case IPR2016-\_\_\_\_\_ (U.S. Patent 6,611,349)

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DECLARATION OF STEVEN FRUHWIRTH

Pursuant to 28 U.S.C. § 1746 and 37 C.F.R. § 1.68 I, Steven Fruhwirth, the undersigned, hereby declare as follows:

(1.)     My name is Steven Fruhwirth.  I am over 21 years of age and otherwise competent to make this declaration.  I am being compensated for my time in preparing this declaration at an hourly rate of $250.00/hr.  My compensation is in no way contingent on the results of these or any other proceeding relating to the outcome of the concurrently filed petition for *inter partes* review ("IPR") against U.S. Patent No. 6,611,349 ("the '349 patent"), or any related litigation or administrative proceeding.  All statements herein made of my own knowledge are true, and all statements herein made based on information and belief are believed to be true.

(2.)     I am currently employed at Bentley Systems in Oakland, California.  I have been employed at Bentley Systems since March of this year.  I am a Senior Manager of Application Marketing and my responsibilities include developing marketing content and campaigns, public relations, and event planning.

(3.)     Before working at Bentley Systems, I worked in the marketing and PR departments at EADOC, Cardlytics, Keith McMillen Instruments, Webcor Builders, Xinet, and Xinet's predecessor MT XINU.

(4.)     I worked at Xinet from June 1995 to December 2005.  While at Xinet I held the positions of Marketing Communications Manager (from June 1995 to

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December 2004), and Director of Strategic Partnerships (from December 2004 to December 2005).

(5.) As Marketing Communications Manager, it was my responsibility to craft and execute the company's marketing and corporate messaging. Generally speaking, I focused on the company's public face, how we presented the company through advertising, promotional literature, public relations, trade shows, conferences, technical literature (e.g., software manuals), the Xinet Web site, product names, and product packaging. I also worked alongside Jamie Marks, whom I understand submitted a declaration in this proceeding.

(6.) I was also the Tradeshow Coordinator during my time at Xinet, from 1997 to 2001, and my responsibilities included the planning and execution of Xinet's participation in domestic and international trade shows.

(7.) I graduated from the University of California, Berkeley in 1991 with a B.A. in Mass Communication (with honors).

(8.) I have been asked by Counsel for Command Web Offset Company, Inc.; Worzalla Publishing Company; Sandy Alexander, Inc.; Publication Printers Corp.; Specialty Promotions, Inc., d/b/a Specialty Print Communications; and Trend Offset Printing Services Inc. to corroborate the public accessibility of the *Xinet FullPress® Brochure* and the *Xinet WebNative$^{TM}$* flier, attached hereto as Attachments A and B, respectively. I understand that these two documents

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correspond directly to Exhibits 1020 and 1021 filed in a petition for IPR filed by the above companies. I am not an attorney, but generally understand that an IPR challenges patentability of a given patent based upon technology known prior to the time of the patent. I will refer to these documents throughout my declaration as the "FullPress Brochure" (Exhibit 1020) and the "WebNative Flier" (Exhibit 1021), respectively.

(9.)    I recognize both the FullPress Brochure and the WebNative Flier as prominent marketing literature produced and publicly disseminated by Xinet. I recognize the FullPress Brochure and the WebNative Flier because I helped Jamie Marks draft these documents. I also recognize the FullPress Brochure and the WebNative Flier as part of the marketing literature that we at Xinet—and myself personally—distributed to members of the public at tradeshows throughout the United States and the world (among various other distribution mechanisms).

(10.)    I have read the declaration of Jamie Marks submitted in this proceeding and agree with his testimony regarding the creation and public dissemination of the FullPress Brochure and the WebNative Flier.

(11.)    I understand that Jamie has testified that he packed and shipped hundreds of copies of the FullPress Brochure for distribution to conference attendees at the Seybold New York '97 tradeshow and the Seybold San Francisco '97 tradeshow. This comports with my recollection of our activity at the Seybold

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tradeshows in 1997 and our marketing efforts regarding Xinet's flagship FullPress product at that time. Moreover, I attended the Seybold San Francisco '97 tradeshow, which ran between Sept. 29, 1997 and Oct. 3, 1997 (with the tradeshow expo beginning on Oct. 1), as shown in Attachment C. Attachment C confirms and refreshes my recollection as to the dates of the Seybold San Francisco '97 tradeshow. Attachment C is a true and correct copy of a page on seyboldseminars.com from December 12, 1997 as that page is maintained on the Wayback Machine. Attachment C can also be found here:

https://web.archive.org/web/19971212095342/http:/www.seyboldseminars.com/Events/calendar.html.

(12.) As described above, it was my job at Xinet, both as Marketing Communications Manager and Tradeshow Coordinator, to promote Xinet's products and assist in the production of product brochures, fliers, quick reference guides, etc. It was also my responsibility to generally ensure that these documents got into the hands of Xinet customers, potential customers, and members of the printing and publishing community, but particularly so at those trade shows and conferences that I attended.

(13.) As noted above, I attended the Seybold San Francisco '97 tradeshow. I specifically recall the FullPress Brochure being part of Xinet's marketing literature display and part of the literature that was handed out to conference

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