

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE BOEING COMPANY
Petitioner

v.

SEYMOUR LEVINE
Patent Owner

Case No. IPR [Unassigned]

U.S. Patent No. RE39,618

Declaration of My-Linh Tran

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U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**Declaration of My-Linh Tran in Support of Petition for *Inter Partes* Review of
U.S. Patent No. RE 39,618**

I, My-Linh Tran, declare as follows:

1. I am a paralegal at Perkins Coie LLP and was involved in our investigation related to prior art presented as part of this petition for *inter partes* review of U.S. Patent No. RE 39,618. I have personal knowledge regarding all matters reported herein, except where I expressly note below that certain facts were relayed to me in conversation with a librarian at the Dudley Knox Library at the United States Naval Postgraduate School in Monterey, California, or by a Cataloging Librarian at the New Zealand National Library.

**Facts Pertaining To Authenticity, Publication, and Public
Availability of Dowling**

2. On June 1, 2015, I visited the Dudley Knox Library at the United States Naval Postgraduate School in Monterey, California to investigate and copy a book in their collection: The Proceedings of the AIAA/IEEE 6th Digital Avionics Systems Conference, December 3-6, 1984, Baltimore, Maryland (“AIAA/IEEE Conference Proceedings”). Before arriving, I confirmed in the Knox Library’s online catalog that they had a copy of the AIAA/IEEE Conference Proceedings in circulation in their collection, and arranged with librarian, Ms. Irma Fink, to review it.

3. I am not a member of the United States Navy or a student at the Naval Postgraduate School, and I have no affiliation with the Navy, the School, or the Knox Library that would grant me special access. I visited as a member of the public and an employee of Perkins Coie, and was able to access the Knox Library to view the AIAA/IEEE Conference Proceedings.

4. Attached as Exhibit 1031 to Boeing's Petition is a true and correct copy of the entire AIAA/IEEE Conference Proceedings in circulation in the Knox Library collection. I personally copied the AIAA/IEEE Conference Proceedings, and specifically affirmed that Exhibit 1031 is a true and accurate copy of the entire bound volume. The Dowling reference provided as Exhibit 1013 is at pp. 503-507 within the full AIAA/IEEE Conference Proceedings provided as Ex. 1031.

5. Attached as Exhibit 1032 to Boeing's Petition is a series of photographs I took of Exhibit 1031 during my visit on June 1, 2015 to better depict certain aspects of Exhibit 1031. The first three photos of Exhibit 1032 depict the front cover, spine, and back cover, respectively, of Exhibit 1031. The fourth and fifth photographs depict the first page of the table of contents (page III) that has a handwritten notation near the spine that says "M.W. 6-3-87."

6. The fifth picture in the Exhibit 1032 series is a close-up of this notation because the photocopy of this page in Exhibit 1031 did not depict the notation because the notation was in the fold near the spine. During my visit,

Ms. Fink pointed this notation out to me, and she told me that it was the library's practice to handwrite the initials of the intake librarian and the date the volume was originally received at the Knox Library. Ms. Fink told me this notation indicated that AIAA/IEEE Conference Proceedings were received at the Knox Library on June 3, 1987.

7. The sixth and seventh photographs in Exhibit 1032 depict the checkout cards and sleeve inside the back cover of Exhibit 1031. Ms. Fink told me during my visit that the Knox Library made and kept these cards for the same reason as almost every other library -- to document the checkout date at the time of checkout on a record the library kept in its normal business to track the book. The date stamps on these cards indicate the dates this volume of the AIAA/IEEE Conference Proceedings were checked out from the Knox Library. The first date the volume was checked out was June 25, 1987.

8. Attached as Exhibit 1033 to Boeing's Petition is a true and correct copy of the Knox Library online catalog record that I obtained. Exhibit 1033 depicts the "MARC" data for the AIAA/IEEE Conference proceedings. I understand that MARC stands for "Machine Readable Cataloging" and is a data standard defined by the United States Library of Congress.

9. I discussed the Knox Library's catalog entry for the AIAA/IEEE Conference Proceedings, including the MARC data reflected in Exhibit 1033, with

Ms. Fink. She confirmed that field codes 090 and 950 show that the AIAA/IEEE Conference proceedings were cataloged in the Knox Library catalog on June 12, 1987.

10. To further investigate the publication and public availability date of the AIAA/IEEE Conference Proceedings, I visited another government library website, that of the U.S. Air Force Academy at afac.sirsi.net. A true and correct copy of the search results are provided at Exhibit 1028 to Boeing's Petition. They indicate that "publication" of the Proceedings occurred in 1984.

Facts Pertaining To Authenticity, Publication, and Public Availability of Chetail and Dyson

11. I was also asked to investigate two references in Boeing's Petition that were published as part of a NATO conference proceedings: North Atlantic Treaty Organization Advisory Group for Aerospace Research and Development (AGARD) Conference Proceedings No. 448, *Engine Condition Monitoring – Technology and Experience*, Proceedings of Propulsion and Energetics Panel's 71st Symposium, held in Quebec City, Canada, May 30 – June 3, 1988 ("AGARD Conference Proceedings No. 448").

12. I searched two separate government technical publication databases, and ultimately obtained identical copies of AGARD Conference Proceedings No. 448.

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