

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventors: Edward F. Bachner III, John Major, Xin Du	§ 110797-0020-651
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Former Group Art Unit: 2617	§ ELECTRONICS CO., LTD.,
Former Examiner: Keith Ferguson	§ SAMSUNG ELECTRONICS
	§ AMERICA, INC., and APPLE
	§ INC.

For: WIRELESS INTELLIGENT PERSONAL SERVER

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DECLARATION OF DR. INGRID HSIEH-YEE

I, Dr. Ingrid Hsieh-Yee, declare as follows:

1. I have personal knowledge of the facts set forth herein, and I am competent to testify to the same.

2. I am currently a Professor in the Department of Library and Information Science at the Catholic University of America. I have experience working in an academic library, a medical library, and a legislative library and have been a professor for more than 25 years. I hold a Ph.D. in Library and Information Studies from the University of Wisconsin-Madison and a Masters in Library and Information Studies from the University of Wisconsin-Madison. I am an authority on library cataloging and classification and have published two books on this subject, *Organizing Audiovisual and Electronic Resources for Access: A Cataloging Guide* (2000, 2006). I teach a variety of courses, including “Cataloging and Classification,” “Internet Searches and Web Design,” “Advanced Cataloging and Classification,” “Organization of Internet Resources,” and “Digital Content Creation and Management.” My research interests cover cataloging and classification, information organization, metadata, information retrieval, information architecture, digital collections, user interaction with information systems, and others.

3. My curriculum vitae is attached as **Exhibit A**. I am being compensated at my normal hourly rate of \$160 per hour for my work on this matter, and I have not testified as an expert at deposition or trial previously. My compensation is not contingent upon the results of my study, the substance of my opinions, or the outcome of any proceeding involving this matter.

4. In forming my opinions, I have reviewed the exhibits referenced below, each of these is a type of material that experts in my field would reasonably rely upon when forming their opinions. As further confirmation of my opinions, I reviewed records from the FirstSearch system of OCLC Online Computer Library Center and a letter from OCLC confirming the dates on which the three publications in questions were entered and indexed in the WorldCat system. As further confirmation of my opinions, I had e-mail communications with Tricia W. Mackenzie, Head of Resource Description and Metadata Services at George Mason University Library, who provided information an expert in the field would reasonably rely on.

5. I am fully familiar with a library cataloging standard known as the “Machine-Readable Cataloging” standard, also known as “MARC,” which is an industry-wide standard method of storing and organizing library catalog

information. MARC is the primary communications protocol for the transfer and storage of bibliographic metadata in libraries.

6. Online Computer Library Center (OCLC) is the largest bibliographic network in the world. When an OCLC participating institution acquires a work, it creates a MARC record for this work in OCLC's Connexion system, the bibliographic system used by catalogers to create MARC records, and Connexion automatically supplies the date when a record is entered into the system. After a MARC record is entered into Connexion, it becomes available to other OCLC participating members in Connexion and visible to the public on WorldCat, a Web search portal of OCLC. WorldCat provides a user-friendly interface for the public to use the data elements of MARC records without the need to know MARC tags and codes. WorldCat also provides information on libraries near a searcher that carry the books the searcher is looking for.

7. A MARC record contains several fields, each of which contains specific data about the work. For example, a work's title is recorded in Field 245. In the Fixed Field, several data elements encode basic metadata such as language, year of publication, and date of record entry into OCLC Connexion, and these data elements are labeled. The date of record entry is of most relevance to this case. Libraries rely on MARC records to help the public understand their collections,

and many libraries display MARC records on their online catalogs with labels for the data elements to help the public interpret MARC records. Many libraries also offer an option to display MARC records in MARC tags. For example, Field 100 indicates author information and Field 250 indicates edition statement. The first six spaces of Field 008 present the date when the record was first entered into OCLC.

8. I used authoritative databases such as the online catalog at the Library of Congress, and WorldCat on the Web to confirm citation details of the references identified in this declaration. I also used the online catalogs for George Mason University and North Carolina State University to examine their MARC records for these three publications. Experts in the field would reasonably rely on the data described herein to establish a date when a publication becomes available to the public in the libraries.

9. The Library of Congress (“LC”) is the national library of the United States. Its bibliographic records are highly valued by libraries around the world, and are often used to derive records at non-LC libraries. I understand that the Library of Congress has been building its collections mainly through the copyright registration process. I further understand that United States copyright law mandates that the owner of copyright deposit copies of works published in the United States with the Copyright Office, which is housed within the Library of Congress, within

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