IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	Sung Jun Park, et al.
U.S. Patent No.:	7,881,236 Attorney Docket No.: 00035-0009IP1
Issue Date:	February 1, 2011
Appl. Serial No.:	12/538,514
Filing Date:	August 10, 2009
Title:	Data Transmission Method and User Equipment for the Same

DECLARATION OF ANNE KOCH BALAND

1. My name is Anne Koch Baland. I am over the age of 21, and I have personal knowledge of the facts contained herein unless otherwise indicated. I am an employee of Fish & Richardson, P.C.

2. I earned a Master of Library Science (MLIS) from Dominican University in 2007. I have over 15 years of experience in the library/information science field.

3. The 3GPP TS 36.321 reference was available on 3GPP's public website at least as of March 20, 2008, without any restrictions.

4. In June 2016, in an effort to determine the extent to which the 3GPP TS 36.321 reference was available to members of the public, I accessed files maintained on the 3GPP website. Specifically, on the 3GPP website, I selected the "About 3GPP" drop-down menu and selected the "3GPP FAQs" Link. This led me to a FAQ page. *See* Ex. 1018. On this page, I scrolled down to the question, "Is it

possible to determine the date and time of publication of a particular version of a 3GPP Spec?" *Id.* at 9. In response, the corresponding FAQ states that a "precise indication of the date of availability can be obtained from the Spec's web page . . . where a precise date is shown in the 'available' column." *Id.* 3GPP's statement that the 'available' column on a specification's web page is a precise indication of the date of availability of a particular specification time stamp is consistent with my experience with 3GPP and the standard drafting process in the 2008 time frame.

5. In view of this information, I navigated 3GPP's website, accessed the 3GPP TS 36.321 reference, and downloaded it without any restrictions. Specifically, I navigated to the "Specification" page on the 3GPP website. Starting on 3GPP's homepage, I selected the dropdown menu "Specifications," and selected the "Specifications Home" link, taking me to the Specifications Home page. On that page, I selected the "Numbering page" link, which took me to the Specification Numbering page. On that page, I selected the "36 series" link, taking me to the 3GPP Specification series page. On that page, I selected the "36.321" link, taking me to the 3GPP specification: 36.321 page. A true and correct printout of that page is identified as Exhibit 1019. This page lists a date of "2008-03-20" for version 8.1.0 of the 3GPP TS 36.321 standard:

event	version	available
RP-55	8.12.0	2012-03-16
RP-54	8.11.0	2011-12-21
RP-53	8.10.0	2011-10-03
RP-48	8.9.0	2010-06-18
RP-46	8.8.0	2010-01-05
RP-45	8.7.0	2009-09-28
RP-44	8.6.0	2009-06-18
RP-43	8.5.0	2009-03-23
RP-42	8.4.0	2009-01-05
RP-41	8.3.0	2008-09-23
RP-40	8.2.0	2008-06-17
RP-39	8.1.0	2008-03-20
RP-38	8.0.0	2007-12-20

Detail of Ex. 1019, pp. 2-3 (annotated).

6. Based on the information on the FAQ page, the "available" column provides a "precise indication of the date of availability" of the 3GPP TS 36.321 specification. Ex. 1018, p. 9. Accordingly, the 3GPP TS 36.321 was publicly available via the 3GPP website as of March 20, 2008.

7. On the 3GPP specification: page 36.321. I selected the "8.1.0" link, prompting a download of a ZIP file titled "36321-810.zip," which contained a

single Microsoft Word file titled "36321-810.doc." A true and correct copy of this document is provided as Exhibit 1007.

8. I further used the Internet Archive's Wayback Machine service to confirm that members of the public would have been able to access the 321 reference before the 236 patent's claimed priority date. Starting on the Wayback Machine homepage, I entered "http://www.3gpp.org" into the search field, taking me to a calendar page. In the calendar page, I selected May 5, 2008, because this is the first available archive after the March 20, 2008, date on which the 3GPP TS 36.321 reference was made available. This took me to an archived version of 3GPP's homepage, which included a "Specifications" link that led to an archived version of the 3GPP Specifications Home Page. On this page, I selected the "Numbering Scheme" link, which took me to an archived version of the 3GPP Specifications – Numbering Scheme page. On this page, I selected the "36 series" link, which took me to an archived version of the 3GPP Specification Series page. On this page, I selected the "36.321" link, which took me to the 3GPP specification: 36.321 page. This page states that version 8.1.0 of 3GPP TS 36.321 was "available" on "2008-03-20," which, as discussed above, is the same date that is provided on 3GPP's website. *See* Ex. 1020, p. 3. I selected the "8.1.0" link, prompting me to download a ZIP file titled "36321-810.zip." The ZIP file that I downloaded contained a single Microsoft Word file titled "36321-810.doc." I

compared that Microsoft Word document to Exhibit 1007, and I found that the two documents are identical.

9. Therefore, in my opinion, based on the materials I discuss above and my experience with 3GPP and the standard drafting process, the 3GPP TS 36.321 reference has been available to members of the public on 3GPP's website since at least March 20, 2008, without any restrictions.

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