UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION
Petitioner

v.

PROXYCONN, INC.
Patent Owner

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U.S. Patent No. 6,757,717 B1
Issued: June 29, 2004
Application No. 09/398,007
Filed: September 16, 1999
Title: SYSTEM AND METHOD FOR DATA ACCESS

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**DECLARATION OF PROFESSOR
DARRELL D. E. LONG IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 6,757,717**

I.   QUALIFICATIONS

1.   I am a Professor of Computer Science and Computer Engineering and have served as Associate Dean for Research and Graduate Studies in the Jack Baskin School of Engineering at the University of California at Santa Cruz. I hold the Kumar Malavalli Endowed Chair of Storage Systems Research and I am the Director of the Storage Systems Research Center, an internationally recognized center of excellence in data storage. I am also the Director of the Working-group on Applied Security and Privacy (WASP), the laboratory at the University of California at Santa Cruz that studies computer security. I teach graduate and undergraduate courses in computer security, operating systems, and data storage and have taught courses in networking and distributed systems. I received my B.S. degree in Computer Science from San Diego State University, and my M.S. and Ph.D. from the University of California, San Diego. I am a Fellow of the Institute of Electrical and Electronics Engineers (IEEE) and of the American Association for the Advancement of Science (AAAS). My research interests include data storage systems, operating systems, computer security, distributed systems and networking. My qualifications are further described in my appended Curriculum Vitae.

2.   I have published numerous papers including in the ACM Transactions on Storage, and various other journals, including those of IEEE, ACM, and

USENIX. I am the co-author of two books. I have published more than 200 peer-reviewed articles, including 140 peer-reviewed conference papers. These publications are listed in Exhibit A. I am the founder of the premier conference in the data storage field known as the Symposium on File Storage Technologies (FAST). For the past six years, I served as Editor-in-Chief of ACM Transactions on Storage. I have participated in organizing numerous academic conferences in this field.

3. I have also consulted for industry in the area of storage systems including for Hewlett-Packard Laboratories and IBM. I have also been a consultant to numerous agencies of the Federal government.

II. COMPENSATION

4. I am being compensated by counsel for Microsoft at my compensation rate of $650/hour for consulting and for testimony in deposition or trial, plus reimbursement for reasonably incurred expenses. I have no personal or financial interest in the outcome of the related litigation or this proceeding.

III. SUMMARY OF MY STUDY AND CONCLUSIONS

5. I have read U.S. Patent No. 6,757,717, filed September 16, 1999. The patent concerns technology within my areas of expertise. I have considered the patent's disclosures from the perspective of a person of ordinary skill in the art in 1998–99.

6. I have studied the following references and considered them from the perspective of the person of ordinary skill in the art in 1998–99.

7. **Williams (Ex. 1002)**: Ross Williams, "Method for Partitioning a Block of Data into Subblocks and for Storing and Communicating Such Subblocks," PCT WO 96/25801, published August 22, 1996 ("Williams").

8. **DRP (Ex. 1003)**: Arthur van Hoff, John Giannandrea, Mark Hapner, Steve Carter, and Milo Medin, "The HTTP Distribution and Replication Protocol," W3C Note, http://www.w3.org/TR/NOTE-drp-19970825.html, Aug. 1997 ("DRP").

9. **Mattis (Ex. 1004)**: Peter Mattis et al., U.S. Patent No. 6,292,880, "Alias-Free Content-Indexed Object Cache," issued Sept. 18, 2001 on application filed Apr. 15, 1998 ("'880" or "Mattis").

10. I have compared these references to claims 15, 16, 17, 19, 20, 21, 25, 26, and 27 of the '717 patent. I have considered the perspective of the person of ordinary skill in the art in 1998–99 (defined below) who was designing a system in which data is sent over a network from some source and is stored by a receiver computer for possible later reuse, and having a design goal of reducing the transmission of redundant data over the network. I have considered such a person having read DRP with an eye toward using and possibly expanding on its teachings.

11.   These '717 patent claims recite nothing innovative compared to these references. DRP discloses to the person of ordinary skill in the art in 1998–99 everything required by these claims, with the possible exception of certain implementation details that would have been common knowledge to such skilled workers in the field. Skilled workers would have combined DRP with their own knowledge of the field to arrive at the claimed combinations of steps in these nine claims. That knowledge is found throughout the art, including in Mattis and Williams, as explained below. In other words, the person of skill in the art would have already possessed the claimed subject matter upon reading DRP, combined with their knowledge of the technology in the field (represented by Mattis and Williams), as explained below.

12.   Also, the patent is internally inconsistent and unclear on the meaning of "digital digest." For purposes of my comparison of the claims to the prior art references, however, I have assumed that this term includes a fixed-size digital fingerprint (e.g., hash, message digest, signature or identifier), of 128 bits, calculated using an MD5 and/or CRC algorithm and calculated on arbitrary-size data, such that it represents and depends only on the content of that data.

IV.   FIELD OF THE INVENTION

13.   The '717 patent defines its "field of the invention" as accessing data in communication networks. ('717, 1:10–15). The field also includes the areas of

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