

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

PROXYCONN, INC.
Patent Owner

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

**DECLARATION OF MARLA BEIER IN SUPPORT
OF PETITION FOR *INTER PARTES* REVIEW OF CLAIM NOS.
15, 16, 17, 19, 20, 21, 25, 26, AND 27 OF U.S. PATENT NO. 6,757,717**

**MICROSOFT
Exhibit 1023**

I, Marla Beier, declare as follows:

1. I am over 18 years of age and a paralegal employed by Klarquist Sparkman, LLP. I make this declaration based on my own knowledge, personal experience, and belief. If called upon, I can competently testify to the facts stated in this declaration.

2. This declaration is submitted in support of Petitioner's Request for *Inter Partes* Review of claims 15-17, 19-21, and 25-27 of U.S. Patent No. 6,757,717 ("Petition").

3. On Friday, November 4, 2016 I used the Internet to visit the portion of W3C's website located at <http://www.w3.org/Submission/1997/10/Comment.html>, which is a page labeled "W3C Staff Note on HTTP Distribution and Replication Protocol Submission" and contains a note dated August 27, 1997, regarding Novadigm's assertion of patent rights and suit filed against Marimba in March of 1997. I converted that page to a PDF file that accurately reflects the contents of the Web site and the image of the page on my computer on which the PDF was created. A true and correct copy of that PDF is filed concurrently with this declaration as Exhibit 1014 to the Petition.

4. On Friday, November 4, 2016 I utilized the Internet to visit the portion of W3C's website located at <http://www.w3.org/Submission/1997/10/>, which is a page labeled "HTTP Distribution and Replication Protocol Submission Request to

the World Wide Web Consortium consisting of a joint submission request by W3C Members Marimba, Inc., Netscape Communications Corp., Novell, Inc., Sun Microsystems, Inc. and @Home Network, Inc.,” dated August 20, 1997. I converted that page to a PDF file that accurately reflects the contents of the Web site and the image of the page on my computer on which the PDF was created. A true and correct copy of that PDF is filed concurrently with this declaration as Exhibit 1015 to the Petition.

5. On Wednesday, August 17, 2016 I utilized the Internet to visit <https://web.archive.org/web/19980213220701/http://www13.w3.org/Submission/>, which is an archived page of W3C’s website as it appeared on February 13, 1998, when it was preserved by the Internet archive. The page is titled “Acknowledged Submissions to W3C.” I converted that page to a PDF file that accurately reflects the contents of the Web site and the image of the page on my computer on which the PDF was created. A true and correct copy of that PDF is filed concurrently with this declaration as Exhibit 1016 to the Petition.

6. Filed concurrently with this declaration as Exhibit 1017 to the Petition, is a true and correct copy of excerpts from InfoWorld Magazine, Vol. 19, Issue 35, dated September 1, 1997 containing an article titled, *Marimba, friends support data replication protocol - Proposed standard sent to W3C*, authored by Lynda Radosevich.

7. Filed concurrently with this declaration as Exhibit 1018 to the Petition, is a true and correct copy of excerpts from NetworkWorld Magazine, Vol. 14, Number 35, dated September 1, 1997 containing an article titled, *Vendors push for 'Net replication standard*, authored by Chris Nerney.

8. On Wednesday, August 17, 2016 I utilized the Internet to visit https://web.archive.org/web/19980213183443/http://www13.w3.org/Architecture/9709_Workshop/, which is an archived page of W3C's website as it appeared on February 13, 1998, when it was preserved by the Internet archive. The page is titled "W3C Workshop on Push Technology." I converted that page to a PDF file that accurately reflects the contents of the Web site and the image of the page on my computer on which the PDF was created. A true and correct copy of that PDF is filed concurrently with this declaration as Exhibit 1019 to the Petition.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 14th day of November, 2016, in Portland, Oregon.



Marla Beier