

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION.

Petitioner,

v.

WINDY CITY INNOVATIONS LLC

Patent Owner

Patent No. 8,694,657

Issued: April 8, 2014

Filed: September 20, 1999

Inventor: Daniel L. Marks

Title: REAL TIME COMMUNICATIONS SYSTEM

Inter Partes Review No. IPR2016-01155

DECLARATION OF JUDITH S. DONATH

U.S. PATENT NO. 8,694,657

DECLARATION OF JUDITH S. DONATH
REGARDING THE PUBLICATION OF “THE SOCIABLE WEB”

I, Judith S. Donath, do declare and state:

1. I am a citizen of the United States, and reside at 13 Buckingham Street, Cambridge, MA 02138.
2. The following is based on my personal knowledge.
3. I am currently a fellowship advisor at Harvard University’s Berkman Center for Internet and Society.
4. I obtained my Ph.D. in Media Arts and Sciences from the Massachusetts Institute of Technology (“MIT”).
5. While a doctoral student at MIT, my research focused on the design of visual and interactive interfaces to online communities. In 1994, while a doctoral student, I co-authored a paper titled “The Sociable Web.”
6. Exhibit 1019 is a true and correct copy of the paper “The Sociable Web” that I co-authored in 1994.
7. I presented “The Sociable Web” (Exhibit 1019) at the Second World Wide Web Conference ’94: Mosaic and the Web (“Second WWW Conference”). That conference took place from October 17 to October 20, 1994 in Chicago, Illinois. Any interested person could register and attend the conference, and my paper was made available to attendees by the time of the

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conference, and was also made available online on the conference's website by the time of the conference.

8. In 1994, the World Wide Web Conference series was a premiere conference for persons interested in the world wide web and the Internet. As such, persons working in those areas would have known about the Second WWW Conference.
9. By the time I presented "The Sociable Web" at the Second WWW Conference, I had already made this paper available to the public by posting it on my MIT web page. Around that time, my MIT web page was a popular Internet resource due to its connection to the MIT Media Lab and also due to its popular electronic postcard functionality.
10. Exhibit 1019 is a true and correct copy of the Internet Archive WaybackMachine's copy of <http://judith.www.media.mit.edu/SocialWeb/SociableWeb.html>. The web address "judith.www.media.mit.edu" was my personal homepage at MIT in the 1994-1995 time frame. I personally authored the SociableWeb.html page and made it available at this URL in 1994. The earliest archived copy that the WaybackMachine has for this URL is January 11, 1998, which can be found at the following hyperlink:

<https://web.archive.org/web/19980111061831/http://judith.www.media.mit.e>

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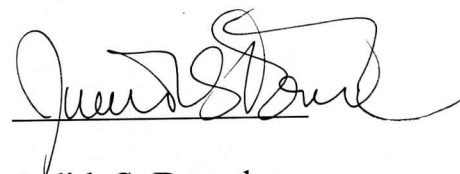
du/SocialWeb/SociableWeb.html. Based on my review, I believe that this archived copy is identical to the page I posted in 1994. I have no recollection of making any changes to the page between 1994 and the end of 1998.

11. Attached as Exhibit 1020 are true and correct copies of email messages that I received from various member of the public between January and March of 1995 related to “The Sociable Web.” These emails have been in my possession since I first received them at the date indicated on each email. These emails confirm my recollection that The Sociable Web (Ex. 1019) was publicly available by late 1994. For example, the email from Jerry Maddox, dated November 15, 1994, inquires about The Sociable Web and mentions the “presentation [he] read from the WWW conference in Chicago,” confirming both that members of the public had access to The Sociable Web as of November 1994 and that the WWW Conference where I presented The Sociable Web was prior to November 1994. Ex. 1020 at 9. Likewise, the email from Micha Reisel, dated January 19, 1995, refers to The Sociable Web as well as the URL to which I posted the paper (<http://judith.www.media.mit.edu/SocialWeb/SociableWeb.html>). Ex. 1020 at 10.

12. Attached as Exhibit 1021 is a copy of the cover pages and table of contents of the “The Second International WWW Conference ’94 Mosaic and the Web Advance Proceedings Volume I.” The information within Exhibit 1019 is consistent with and confirms my recollection that the Second WWW Conference was held on October 17-20, 1994, that all conference papers were available on the internet at the conference’s home page, and that I presented The Social Web at that conference. Ex. 1021 at iii, ix.
13. Thus, by at least October 20, 1994, The Sociable Web (Exhibit 1019) had been made available to the public at least by way of the Second WWW Conference, and by publication on my MIT web page.

I do hereby declare and state, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, under Section 1001 of Title 18 of the United States Code.

Executed on: June 2, 2016



Judith S. Donath