

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

International Business Machines Corporation
Petitioner,

v.

EnvisionIT, LLC
Patent Owner

Patent No. 8,438,221

Title: BROADCAST ALERTING MESSAGE AGGREGATOR/GATEWAY
SYSTEM AND METHOD

Inter Partes Review No. IPR2017-01247

DECLARATION OF ART BOTTERELL IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 8,438,221

IRM EX 1003

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1. I, Art Botterell, declare as follows:

I. INTRODUCTION

2. I have been retained by International Business Machines Corporation (“IBM”) in connection with its petition for *inter partes* review of U.S. Patent No. 8,438,221 (“the ’221 patent”). The statements set forth in this declaration are based on my own personal knowledge. I am being compensated at my usual rate for the time spent preparing this declaration, and my compensation is not contingent on the outcome of any matter or on any of the opinions provided below. I have no financial interest in this matter.

3. The opinions set forth in this declaration are my own. My opinions are based on many years of experience in the field of emergency management and warning and on the materials cited herein.

II. BACKGROUND AND QUALIFICATIONS

4. I have spent most of my professional life working on emergency warnings and preparedness. Since 1995, I have been an Emergency Information Systems Consultant, specializing in public alert and warning as of 2001. In this role I provide emergency information system planning and training to national and international government agencies. As part of this role, I designed the Common Alerting Protocol and led its standardization and adoption efforts.

5. My other emergency warning experience includes my current position as a Senior Emergency Services Coordinator in the California Governor's Office of Emergency Services, my 2013-2014 position as Technical Director of Disaster Management Systems for Raydant International, Ltd., my position as a Disaster Management Consultant for Carnegie Mellon University in Silicon Valley from 2010-2013, my position as Special Technical Expert for the Joint Interoperability Test Command from 2009-2010, my position as the Community Warning System Manager in the Office of the Sheriff in Contra Costa County, California from 2006-2009, my position as an Emergency Information Systems Project Manager in the Governor's Office of Emergency Services in California from 1999-2000, my position as a Public Affairs Specialist for the Federal Emergency Management Agency (FEMA) from 1995-1997, and my position as Assistant Chief in the Telecommunications Division of the Governor's Office of Emergency Services in California from 1988-1995.

6. For all of these positions, I used both my skills in emergency warning theory and implementation and my software-writing skills. For example, as part of my position as Assistant Chief in the Telecommunications Division in California, I developed that office's first website.

7. I have significant experience in developing and maintaining software systems. I am proficient in Java, C, Python, JavaScript, HTML5, XML, and other

languages. I was instrumental in the Federal Government's testing and implementation of IPAWS, the Integrated Public Alert & Warning System run by the Federal Emergency Management Agency (FEMA).

8. I sit on the Board of Humanity Road, an international Non-Government Organization dedicated to investigating the use of social media in disasters. I was an instructor in the University of California at Berkeley Extension Emergency Management Program from 1996-1998.

III. LEGAL PRINCIPLES

9. I am not an attorney. For purposes of this declaration, I have been informed about certain aspects of the law that are relevant to my analysis and opinions, as set forth below.

IV. CLAIM CONSTRUCTION

10. I understand that in a proceeding such as this, the claims of an unexpired patent are given their broadest reasonable interpretation as understood by one of ordinary skill in the art, described below, and consistent with what the patentee says in the specification.

11. I also understand that under a broadest reasonable interpretation, words of a claim must be given their plain meaning—i.e., the ordinary and customary meaning given to the word by those of ordinary skill at the time of the invention—unless such meaning is inconsistent with the specification.

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