UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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~~DELL INC. AND EMC CORPORATION Petitioner~~

**VERITAS TECHNOLOGIES LLC,
Petitioner,**

v.

REALTIME DATA LLC d/b/a IXO,
Patent Owner.

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U.S. Patent Nos. 9,054,728 and 7,161,506

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DECLARATION OF SCOTT BENNETT, Ph.D.

~~27 October 2016~~ **22 June 2017**

I, Scott Bennett, Ph.D., resident of Urbana, Illinois, hereby declare as follows:

Introduction and Qualifications

1. I have been retained by ~~Winston & Strawn~~**Latham & Watkins** LLP to provide my opinions concerning the public availability of certain documents at issue in *inter partes* review proceedings for U.S. Patent Nos. 9,054,728 and 7,161,506.

2. My curriculum vitae is appended to this document as Appendix A. From 1956 to 1960, I attended Oberlin College, where I received an A.B. in English. I then attended Indiana University, where I received an M.A. in 1966 and a Ph.D. in 1967, both in English. In 1976, I received a M.S. in Library Science from the University of Illinois. I also served at the University of Illinois at Urbana-Champaign in two capacities. First, from 1967 to 1974, I was an Assistant Professor of English; then from 1974 to 1981, I was an Instructor, Assistant Professor, and Associate Professor of Library Science.

3. From 1981 to 1989, I served as the Assistant University Librarian for Collection Management, Northwestern University. From 1989 to 1994, I served as the Director of The Milton S. Eisenhower Library at The Johns Hopkins University. From 1994 to 2001, I served as the University Librarian at Yale University. In 2001, I retired from Yale University.

4. Since then, I have served in multiple capacities for various organizations, including as a consultant on library space planning from 2004 to the present, as a Senior Advisor for the library program of the Council of Independent Colleges from 2001 to 2009, as a member of the Wartburg College Library Advisory Board from 2004 to the present, and as a Visiting Professor at the Graduate School of Library and Information Science, University of Illinois at

Urbana-Champaign, in the Fall of 2003. I was a founding partner of Prior Art

Documentation Services, LLC, in 2015.

5.   Over the course of my work as a librarian, professor, researcher, and author of numerous publications, I have had extensive experience with cataloging and online library management systems built around Machine-Readable Cataloging (MARC) standards. As a consultant, I have substantial experience in authenticating documents and establishing the date when they were available to persons exercising reasonable diligence.

6.   In the course of more than fifty years of academic life, I have myself been an active researcher. I have collaborated with many individual researchers and, as a librarian, worked in the services of thousands of researchers at four prominent research universities. Members of my family are university researchers. Over the years, I have read some of the voluminous professional literature on the information seeking behaviors of academic researchers. And as an educator, I have a broad knowledge of the ways in which students in a variety of disciplines

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learn to master the bibliographic resources used in their disciplines. In all of these ways, I have a general knowledge of the how researchers work.

7.   My work in this matter is being billed at my standard consulting rate of $~~88~~**91** per hour. My compensation is not in any way contingent upon the outcome of this or any other *inter partes* review. I have no financial or personal interest in the outcome of this proceeding or any related litigation.

Scope of this Declaration

8.   I am not a lawyer and I am not rendering an opinion on the legal question of whether any particular document is, or is not, a "printed publication" under the law.

9.   I am, however, rendering my expert opinion on when and how each of the documents addressed herein was disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, could have located the documents before December 11, 1998.

10.   I reserve the right to supplement my opinion in the future to respond to any arguments that the Patent Owner raises and to take into account new information as it becomes available.

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