

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UBISOFT, INC. AND SQUARE ENIX, INC.,  
Petitioners,

v.

UNILOC USA, INC. AND UNILOC LUXEMBOURG S.A.,  
Patent Owners.

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Case No. IPR2017-1827  
U.S. Patent No. 7,069,293

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**DECLARATION OF MARK C. LANG**

I, Mark C. Lang, declare as follows:

1. I am an attorney with Erise IP, P.A., counsel for Petitioners in this proceeding. I submit this declaration based on personal knowledge following a reasonable investigation. If called upon as a witness, I could competently testify to the truth of each statement herein.

**Internet Archive**

2. I am familiar with the Internet Archive, which I understand to be a non-profit digital library founded in 1996. I have reviewed the “Frequently Asked Questions” page for the Internet Archive, which is available at <https://archive.org/about/faqs.php>. I have personally used the Internet Archive’s Wayback Machine. Accordingly, I understand that the Internet Archive (a.k.a., the Wayback Machine) is a website that provides access to a digital library of Internet sites.

3. I understand that the WayBack Machine is an application using a crawler created by the Internet Archive to search its archive of Web page URLs and to represent, graphically, the date of each crawler capture. <https://archive.org/about/faqs.php>.

4. I understand that the Wayback Machine service allows users to search archived sites by URL (i.e., website address). If archived records for a URL are available, the user is presented with a list of available dates. The user may select

one of the available dates, and then view an archived version of the website for that date.

5. I further understand that many Internet Archive captures made by the Wayback Machine have a banner at the top with the capture date prominently displayed. Additionally, the Internet Archive assigns a URL on its site to the archived files. The URL for the capture begins with the identification of the Internet Archive page (e.g., <http://web.archive.org/web/>) followed by information that includes a numerical date and time reference for the capture as follows: [Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]. These elements are then followed by the URL of the original capture site.

**Exhibit 1002: The TME 10 Deployment Cookbook**

6. Exhibit 1002 is an online book entitled “The TME 10 Deployment Cookbook” that was captured by the Internet Archive *at least* by August 3, 1997.

7. The title page, which contains the Table of Contents for the book, is accessible through the URL [https://web.archive.org/web/19970716014351/http://www.redbooks.ibm.com:80/S\\_G244976/sg244976.htm#ToC](https://web.archive.org/web/19970716014351/http://www.redbooks.ibm.com:80/S_G244976/sg244976.htm#ToC), which indicates that the URL was archived in the Internet on July 16, 1997 at 1:43:51 a.m. Ex. 1002 at 1-6. The first page of the book indicates that it “is being edited for hardcopy publication and is published here for those who need the information now and are willing to put up with

spelling, grammar and layout errors.” EX1002 at 1. The title page further indicates a date of “April 1997.” *Id.*

8. The title page (EX1002 pages 1-6) further contains web links to the “Figures,” “Tables,” “Preface,” Chapters, Appendices, and Indices of the book. Exhibit 1002 represents the entirety of the contents of the online book, which are marked as a consecutively-numbered pages for ease of reference in this proceeding. For ease of reference, the exhibit markings applied to EX1002 additionally indicate the number of the Figures contained in the book (e.g., “Figure 1”), which can also be independently verified by clicking on the weblink to the figure embedded in the chapters.

9. For ease of reference, the following is a summary of the contents of The TME 10 Deployment Cookbook contained in EX1002. Portions of EX1002 were captured in the Internet Archive on July 16, 1997, while other portions were captured in the Internet Archive on August 3, 1997. However, as indicated below and through the URL links on each page of EX1002, ***all*** of the contents of EX1002 were captured in the Internet Archive by at least August 3, 1997:

Title	EX1002 Page	Internet Archive URL Capture Date
Title/Table of Contents	1-6	7/16/1997
“Figures” Index	7-15	7/16/1997
“Tables” Index	16	7/16/1997
Preface	17-18	7/16/1997
Chapter 1	19-23	7/16/1997
Chapter 2	24-70	7/16/1997

Chapter 3	71-93	7/16/1997
Chapter 4	94-117	7/16/1997
Chapter 5	118-127	7/16/1997
Chapter 6	128-139	7/16/1997
Chapter 7	140-191	7/16/1997
Chapter 8	192-203	7/16/1997
Chapter 9	204-268	7/16/1997
Appendix A	269-270	7/16/1997
Appendix B	271-272	7/16/1997
Appendix C	273-276	7/16/1997
Appendix D	277-279	7/16/1997
Index	280-296	7/16/1997
Appendix E	297	7/16/1997
Figures*	298-812	8/3/1997

\*All Figures that were captured by the Internet Archive are available as of 8/3/1997, except Figure 318, which was captured on April 28, 1997. To the extent a Figure was not captured by the Internet Archive, EX1002 reflects that by showing a capture as of July 16, 1997 stating “Hrm. Wayback Machine doesn’t have that page archived.”

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

Executed this 21st day of July 2017 at Overland Park, Kansas.

/s/ Mark C. Lang  
Mark C. Lang  
Attorney for Petitioners