

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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U.S. Patent No. 6,324,578

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**DECLARATION OF SCOTT BENNETT, Ph.D.**  
**21 July 2017**

## TABLE OF CONTENTS

	<b>Page</b>
I. INTRODUCTION .....	1
II. BACKGROUND AND QUALIFICATIONS.....	1
III. PRELIMINARIES.....	3
IV. OPINIONS REGARDING INDIVIDUAL DOCUMENTS .....	7
V. ATTACHMENTS .....	9
VI. CONCLUSION .....	10

I, Scott Bennett, hereby declare under penalty of perjury:

## **I. INTRODUCTION**

1. I have personal knowledge of the facts and opinions set forth in this declaration, I believe them to be true, and if called upon to do so, I would testify competently to them. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both.

2. I am a retired academic librarian working as a Managing Partner of the firm Prior Art Documentation LLC at 711 South Race Street, Urbana, IL, 61801-4132. Attached as Appendix A is a true and correct copy of my Curriculum Vitae describing my background and experience. Further information about my firm, Prior Art Documentation Services LLC, is available at [www.priorartdocumentation.com](http://www.priorartdocumentation.com).

3. I have been retained by Erise IP, PA, to authenticate and establish the dates of public accessibility of certain documents in an *inter partes* review proceedings for U.S. Patent Nos. 6,324,578. For this service, I am being paid my usual hourly fee of \$91/hour. My compensation in no way depends on the substance of my testimony or the outcome of this proceeding.

## **II. BACKGROUND AND QUALIFICATIONS**

4. I was previously employed as follows:

- University Librarian, Yale University, New Haven, CT, 1994-2001;

- Director, The Milton S. Eisenhower Library, The Johns Hopkins University, Baltimore, MD, 1989-1994;
- Assistant University Librarian for Collection Management, Northwestern University, Evanston, IL, 1981-1989;
- Instructor, Assistant, and Associate Professor of Library Administration, University of Illinois at Urbana-Champaign, Urbana, IL, 1974-1981; and
- Assistant Professor of English, University of Illinois at Urbana-Champaign, 1967-1974.

5. Over the course of my work as a librarian, professor of English, researcher, and author of nearly fifty scholarly papers and other publications, I have had extensive experience with catalog records and online library management systems built around Machine-Readable Cataloging (MARC) standards. I also have substantial experience in authenticating printed documents and establishing the date when they were accessible to researchers.

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

### **III. PRELIMINARIES**

7. *Scope of this declaration.* 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.

8. I am, however, rendering my expert opinion on the authenticity of the documents referenced herein and on when and how each of these documents 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 13 December 1997.

9. I am informed by counsel that an item is considered authentic if there is sufficient evidence to support a finding that the item is what it is claims to be. I am also informed that authenticity can be established based on the contents of the documents themselves, such as the appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all of the circumstances. I am further informed that an item is considered authentic if it

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