

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC (“CISCO”),

Petitioner

v.

HEWLETT PACKARD ENTERPRISE DEVELOPMENT, LP (“HP”),

Patent Owner

Patent 8,478,799

**DECLARATION OF MICHELE NELSON
UNDER 37 C.F.R. § 1.68**

I, Michele Nelson, do hereby make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am making this declaration at the request of Cisco Systems, Inc. (“Cisco”).
2. I am a Production Manager at USENIX, where I have been employed at USENIX from September 2007 to March 2009 and from May 2012 to the present.

I. CSCO-1009 (Agrawal)

1. 2008 USENIX Annual Technical Conference

3. USENIX began organizing and sponsoring the USENIX Annual Technical Conference (the “Conference”) in 1995, and continues to organize and sponsor the Conference. The Conference is an annual public event hosted by USENIX for practitioners, developers and researchers to meet, engage in computing tutorials, and present their research work in areas around the topic of computing systems. The annual conference provides a forum for the presentation and discussion of recent research in computing systems and related technologies.

4. As part of the production team, I worked on the USENIX website, particularly for the 2008 Conference, and on the printed proceedings, particularly for the 2008 Conference.

2. Call for Papers for the Conference

5. Since 1995, as a matter of general practice, USENIX information, call for papers, and announcements have been posted on the public USENIX website, i.e., www.usenix.org. The USENIX website could be viewed by practitioners, developers, researchers, and any other interested member of the general public.

6. Before the 2008 USENIX Annual Technical Conference (the “2008 Conference”), the USENIX website posted a call for submission of papers regarding any topic in and related to the area of computing systems. The call for papers resulted in 176 paper submissions from practitioners, developers, and researchers from all over the world, months before the 2008 Conference. The submitted papers were reviewed, and 34 papers were accepted for publication and presentation at the 2008 Conference.

7. Attached as **Appendix A** is a true and accurate USENIX website snapshot from the WaybackMachine that evidences that at least as of July 16, 2007, the 2008 Conference call for papers was publicly posted to the USENIX website. **Appendix A** was produced by first accessing the WaybackMachine page, at <http://archive.org/web/>, next performing a search for <https://www.usenix.org/>, opening (or clicking on) the hyperlink for the year “2007,” next clicking on the hyperlink for July 16, then printing the resulting webpage.

3. Public Advertising and Registration for the 2008 Conference

8. Since 1995, as a matter of general practice, Conferences have been advertised publicly on the USENIX website, i.e., www.usenix.org, which are a part of my job duties. In addition to the public advertising for the 2008 Conference on the USENIX website, advertising emails were circulated to users inviting them to submit to and attend the 2008 Conference. Anyone who wanted to attend, including any interested member of the general public, could register and pay the registration fee. The registration fee ranged from \$275 before June 6, 2008 for one day of technical sessions to \$1,985 after June 6, 2008 for three days of training.

9. Attached as **Appendix B** is a true and accurate USENIX website snapshot from the WaybackMachine that evidences that at least as of July 14, 2007, the 2008 Conference date and location information was announced publicly. **Appendix B** was obtained by first accessing the WaybackMachine page, at <http://archive.org/web/>, next performing a search for <https://www.usenix.org/>, opening (or clicking on) the hyperlink for the year “2007,” next clicking on the hyperlink for July 16, then selecting “Conferences” and clicking “Upcoming Conferences,” then downloading and printing the resulting webpage.

10. Attached as **Appendix C** is a true and accurate USENIX website snapshot from the WaybackMachine that evidences the 2008 Conference registration fees, at least as of April 18, 2008. **Appendix C** was obtained by first

accessing the WaybackMachine page, at <http://archive.org/web/>, next performing a search for <https://www.usenix.org/>, opening (or clicking on) the hyperlink for the year “2008,” next clicking on the hyperlink for April 18, then selecting “Conferences” and clicking “Upcoming Conferences,” then selecting “USENIX’08,” then selecting “Registration,” then downloading and printing the resulting webpage.

4. Public Distribution of Papers During 2008 Conference

11. As a matter of general practice, before each Conference, the selected papers were bound in a book of papers, which was a part of my job duties. The 2008 Conference was no different, and in accordance with this general practice, the 2008 Conference selected papers were bound in a book, which I will refer to as the 2008 Conference Proceedings Book.

12. During the 2008 Conference, and in accordance with general practice, each attendee was provided a physical copy of the 2008 Conference Proceedings Book. Although the 2008 Conference Proceedings Book was copyrighted, the papers were not subject to any confidentiality restriction and the 2008 Conference Proceedings Book could be freely shared by attendees with other interested persons of skill that had not attended the meetings.

13. **CSCO-1009** is a true and correct copy of selected pages from the 2008 Conference Proceedings Book that were given to attendees of the 2008

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