

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner

v.

VILOX TECHNOLOGIES LLC.
Patent Owner

Case IPR2018-00044
Patent No. 7,302,423

DECLARATION OF DR. JOSEPH L. DE BELLIS

I. INTRODUCTION

1. I make this Declaration in support of Patent Owner's Preliminary Response in the matter of Petition IPR2018-00044 (Petition).
2. I am not being compensated for this Declaration.
3. I am the sole inventor of U.S. Patent 7,302,423 ('423 Patent). In addition, I am the sole inventor, or one of two inventors, of four additional U.S. Patents and two pending patent applications, all of which relate in some manner to the '423 Patent. I am the owner of Vilox Technologies LLC, to which all patents and patent applications are assigned.
4. In preparing this Declaration, I reviewed the Petition; Exhibit 1011 thereto, Declaration of Ingrid Hsieth-Yee, Ph.D.; Exhibit 1005 thereto, Declaration of Philip Greenspun, Ph.D.; and Exhibit 1009 thereto, Excel 2000 Bible (*Excel*).
5. In addition to being an inventor or co-inventor of five U.S. Patents, I am the founder and owner of Vilox LLC, of Louisville, Kentucky. Vilox LLC manufactured commercial embodiments of the patented technology claimed in the five U.S. Patents, and sold products to private entities and government organizations.
6. I have attended several in-person interviews at the U.S. Patent Office during examination of my U.S. Patents and patent applications.
7. I have been informed of and understand the relevant statutory basis for determining the priority date for a U.S. Patent. I am familiar with the terms "conception," "diligence," and "reduction to practice." I am familiar with the basis for establishing a prior art date for a reference, and application of prior art

references generally in determining the validity of a U.S. Patent. I also have been informed of and understand the concept of “swearing behind a reference.” Finally, I understand the notions of novelty and nonobviousness when determining the validity of a U.S. Patent.

II. CONCEPTION OF MY INVENTIONS

8. After reviewing the Petition and the Declaration of Dr. Hseith-Yee (Ex 1011), I understand the Petitioner asserts the Excel 2000 Bible reference (Ex 1009) has a “prior art date” of “between July 27, 1999 and October 26, 1999.” See Ex 1011, paragraph 20. I understand from the Declaration of Dr. Greenspun (Ex 1005) that the Petitioner states the priority date of my ‘423 Patent is “as early as February 25, 2000.” See Ex 1005, paragraph 24. I also understand from the Petition that the Petitioner alleges the Excel 2000 Bible reference is “approximately 5 months prior art.” See Petition at 48. In my opinion, these alleged prior art dates are inconsistent.
9. I conceived of the inventions disclosed in my U.S. Patents, including the ‘423 Patent, in mid-May 1999. My intention was to design a database management product that would be intuitive and flexible, and that I could use in my medical practice. I began efforts to design such a software tool in that month. I initially focused development on icon manipulation, faceted search, truncation, and related database tools.
10. In August 1999, I first discussed by inventive concepts with Adriano Freire, whom I employed for other purposes, but who was a computer programmer in his native

country of Brazil. Mr. Freire subsequently became a co-inventor on my U.S. Patent 7,188,100.

11. My initial efforts with Mr. Freire were directed to writing software programs that would bring my inventive concepts to life. Those efforts included Mr. Freire writing computer code that would accomplish my intentions. To that end, I purchased computer hardware and related devices to execute the code Mr. Freire was writing.
12. I also was encouraged at this time to form a software company that could market the software products I was developing, should they prove to be successful. On October 14, 1999 I formed Virtual Logistix, Inc. to produce and market the software products. To support this software development, I purchased computer hardware and related devices and computer software that Mr. Freire used for the software development efforts. For example, I purchased an Apple computer and related devices on September 27, 1999 and a jaz drive to back up our work on October 5, 1999. I also purchased other computer-related products and services, as can be seen in a copy of a credit card statement, which shows purchases from September 27, 1999 through December 17, 1999, and in a number of invoices for computer equipment (hardware and software) to allow software development, testing, and operation. See Figures 1 - 12 below for these purchases. Figure 4, for example, shows purchase of a Visual Basic tool for software development.



1999 Transactions and monthly totals by category

Reference	Date	Description	Amount	Tax Item	Monthly Totals
Merchandise					
MZRG66HW	08/06	HEALTH SCIENCE LAB. 602-252-5849 AZ	57.50	0	
7KH80000	08/23	ARTISTRY IN FLORENCE PO SOUTHAMPTON NY	64.95	0	
4V800661	09/05	WALDBAUMS #260 SOUTH HAMPTONNY	51.86	0	
7KN10001	09/06	WALDBAUMS #260 SOUTH HAMPTONNY	21.10	0	
6W06HFWO	09/16	FOLEY'S MENS POLO HOUSTON TX	305.81	0	
MMTCCBBZT	09/17	LA TIMES COH 215-237-6641 CA	3.00	0	
TVBQHW91	09/20	EZPASS PREPAID TOLL 800-333-8655 NY	30.00	0	
LX503XCW	09/21	LYNCH'S GARDEN CENTER INC SOUTHAMPTON NY	210.61	0	
L1WF0000	09/21	ARTISTRY IN FLORENCE PO SOUTHAMPTON NY	64.95	0	
5QHBBF90	09/27	THE HOME DEPOT 1205 PATCHOGUE NY	335.59	0	
FVZ88F90	09/28	THE HOME DEPOT 1205 PATCHOGUE NY	348.64	0	
LBVGBXGW	09/30	S HAMP BRICK & TILE SOUTHAMPTON NY	985.08	0	
HD88W30V	10/04	IGA #117 SP1 SOUTHAMPTON NY	29.69	0	
OJSC66HW	10/04	HEALTH SCIENCE LAB. 602-252-5849 AZ	50.00	0	
QSB*CD62	10/04	NETWORK SOLUTIONS 703-742-4777 VA	238.00	0	
5VDFNH03	10/05	SPECTRUM TRADING MONTEREY CA	714.66	0	
7PKTY562	10/05	STAPLES #990 800-333-3330 CA	731.71	0	
MG*CD62	10/06	NETWORK SOLUTIONS 703-742-4777 VA	238.00	0	
*YDFNHQ3	10/07	SPECTRUM TRADING MONTEREY CA	-386.26	0	
LJM80K2P	10/07	NETSALES 888-2362446 KS	59.95	0	
635NMWCV	10/07	FLORENDALE LTD. -FTD #N516-423-0244 NY	409.19	0	
J7KXCLZ23	10/14	BELLAGIO TRAM STOP STORE LAS VEGAS NV	156.53	0	
KS2HDYF8	10/18	COMPAQ DIRECT PLUS 800-8880292 TX	2,032.94	0	
OKRHDYF8	10/18	COMPAQ DIRECT PLUS 800-8880292 TX	465.04	0	
Z4SY0661	10/18	WALDBAUMS #260 SOUTH HAMPTONNY	43.56	0	
4XBZ2665	10/24	CAJUN MARKET NEW ORLEANS LA	54.46	0	
48PRZ22V	10/24	NEW ORLEANS LA	54.49	0	
G6FCYC4P	10/25	JDR MICRODEVICES, INC. 800-5565000 CA	39.96	0	
K69Y0661	10/26	WALDBAUMS #260 SOUTH HAMPTONNY	41.14	0	
LX*7BW32	10/27	H.H. SMITH #260 KENNER LA	89.71	0	
73Y6CW32	10/27	H.H. SMITH #2357 NEW ORLEANS LA	32.69	0	
XTCP5G03	10/30	COMPUTERS4SURE COH 800-5854080 CT	854.30	0	
VDNJ7M73	11/01	MARINA MEDICAL INSTRUMENTHOLLYWOOD FL	806.00	0	
BDVS0000	11/03	ARTISTRY IN FLORENCE PO SOUTHAMPTON NY	243.51	0	
*2610661	11/07	WALDBAUMS #260 SOUTH HAMPTONNY	36.22	0	
K73X1002	11/10	BUY.COM 888-880-1030 CA	1,023.76	0	
M3KCR300	11/10	SHAREIT]-WWW.SHAREIT.COM KOELN DE	35.00	0	
4MGP20C2	11/10	BUY.COM 888-880-1030 CA	80.14	0	
SP5MXYS	11/14	KNART 00009423 BRIDGEHAMPTONNY	17.28	0	
7W51Q661	11/14	WALDBAUMS #260 SOUTH HAMPTONNY	9.84	0	
CW0R20C2	11/15	BUY.COM 888-880-1030 CA	145.37	0	
5TJV20C2	11/15	BUY.COM 888-880-1030 CA	132.23	0	
WHF09F90	11/16	THE HOME DEPOT 1205 PATCHOGUE NY	66.68	0	
3ZBQ9F90	11/16	THE HOME DEPOT 1205 PATCHOGUE NY	94.31	0	
COFT1002	11/17	BUY.COM 888-880-1030 CA	14.81	0	
SXLT20C2	11/19	BUY.COM 888-880-1030 CA	77.05	0	
SRN8FK30	11/23	BRENNAN'S BIT & BRIDLE BRIDGEHAMPTONNY	565.78	0	
339TTF00	11/23	THE CLASSY CANINE SOUTHAMPTON NY	146.13	0	
TF420000	11/24	ARTISTRY IN FLORENCE PO SOUTHAMPTON NY	538.65	0	
10420000	11/24	ARTISTRY IN FLORENCE PO SOUTHAMPTON NY	147.00	0	
8SFW1002	11/24	BUY.COM 888-880-1030 CA	111.68	0	
*TFKD661	11/25	WALDBAUMS #260 SOUTH HAMPTONNY	45.98	0	
YK75T500	11/27	ACI*AMAZON.COM INC 800-201-7575 MA	35.94	0	
6*8PF5*2	11/27	EAST END HARDWARE CORP EAST HAMPTON NY	9.52	0	
BP27DTC*	12/01	A S P R S PAC ARLINGTON HEILL	300.00	0	
J4YLMK30	12/01	SOUTHAMPTON CAR WASH I SOUTHAMPTON NY	150.31	0	
1BJW1002	12/02	BUY.COM 888-880-1030 CA	102.95	0	
RBPKTW77	12/03	PC RICHARD AND SON SOUTHAMPTON NY	17.29	0	
R1ZDQRW9	12/04	GATEWAY.COM 800-8462000 SD	3,953.41	0	
Y2TMXYQS	12/04	KNART 00009423 BRIDGEHAMPTONNY	117.95	0	
R9XS20C2	12/05	BUY.COM 888-880-1030 CA	297.31	0	
6YP22CC2	12/05	BUY.COM 888-880-1030 CA	60.78	0	
DPJT1002	12/08	BUY.COM 888-880-1030 CA	14.99	0	
G5X21002	12/08	BUY.COM 888-880-1030 CA	48.98	0	
BN070000	12/14	ARTISTRY IN FLORENCE PO SOUTHAMPTON NY	86.38	0	
Y5TCVM00	12/14	SHCANATOMICAL CHART 800-621-7500 IL	410.28	0	
W3*8ZVVV	12/17	SONY VAIO ONLINE 408--955-4319CA	829.11	0	
Z6SQBJ00	12/17	THE CLASSY CANINE SOUTHAMPTON NY	48.80	0	
4PFVBR00	12/17	CON* COMPUTER CENTERS 800-800-4239 IL	258.66	0	

Transactions continue...

page 6 of 10

Figure 1. Credit Card Statement

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