

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WESTERN DIGITAL CORPORATION.  
Petitioner

v.

SPEX TECHNOLOGIES, INC.  
Patent Owner

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Case No. IPR2017-\_\_\_\_  
U.S. Patent No. 6,088,802

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DECLARATION OF SYLVIA HALL-ELLIS, PH.D.

## I. INTRODUCTION

1. My name is Sylvia Hall-Ellis. I have been retained as an expert by Western Digital Corporation.

2. I have written this report at the request of Western Digital to provide my expert opinion regarding the public availability of a book. My report sets forth my opinions in detail and provides the basis for my opinions regarding the public availability of this book.

3. I reserve the right to supplement or amend my opinions, and bases for them, in response any additional evidence, testimony, discovery, argument, and/or other additional information that may be provided to me after the date of this report.

4. I am being compensated for my time spent working on this matter at my normal consulting rate of \$300 per hour, plus reimbursement for any additional reasonable expenses. My compensation is not in any way tied to the content of this report, the substance of my opinions, or the outcome of this litigation. I have no other interests in this proceeding or with any of the parties.

5. All of the materials that I considered are discussed explicitly in this declaration.

## II. QUALIFICATIONS

6. I am currently an Adjunct Professor in the School of Information at San José State University. I obtained a Masters of Library Science from the University of North Texas in 1972 and a Ph.D. in Library Science from the University of Pittsburgh in 1985. Over the last forty years, I have held various positions in the field of library and information resources. I was first employed as a librarian in 1966, and have been involved in the field of library sciences since, holding numerous positions.

7. I am a member of the American Library Association (ALA) and its Association for Library Collections & Technical Services (ALCTS) Division, and I served on the Committee on Cataloging: Resource and Description (which wrote the new cataloging rules) and as the chair of the Committee for Education and Training of Catalogers and the Competencies and Education for a Career in Cataloging Interest Group. I also served as the Chair of the ALCTS Division's Task Force on Competencies and Education for a Career in Cataloging. Additionally, I have served as the Chair for the ALA Office of Diversity's Committee on Diversity.

8. I have also given over one hundred presentations in the field, including several on library cataloging systems and Machine Readable Cataloging ("MARC") standards. My current research interests include library cataloging

systems, metadata, and organization of electronic resources.

9. My full curriculum vitae is attached hereto as Exhibit A. I have previously testified at deposition in four cases: *Apple Inc. v. Samsung Electronics Co., Ltd. et al.*, 5:12-cv-630-LHK (N.D. Cal.), on behalf of Samsung Electronics, Co., Ltd.; *Symantec, Corp. v. Finjan, Inc.*, Petition for Inter Partes Review of U. S. Patent No. 6,154,844, on behalf of Symantec Corp.; *Finjan, Inc. v. Symantec, Corp.*, Petition for Inter Partes Review of U. S. Patent No. 8,677,494, on behalf of Symantec Corp.; and, in *Intellectual Venture I LLC v. ATT Mobility LLC et al.*, C.A. No. 12-193 (D. Del.) and related cases, on behalf of AT&T Mobility LLC, AT&T Mobility II LLC, T-Mobile USA, Inc., T-Mobile US, Inc., Sprint Spectrum L.P., U.S. Cellular Corporation. I have never testified at trial as an expert.

### **III. LIBRARY CATALOGING PRACTICES**

10. I am fully familiar with the library cataloging standard known as the MARC standard, which is an industry-wide standard method of storing and organizing library catalog information.<sup>1</sup> MARC was first developed in the 1960's by the Library of Congress. A MARC-compatible library is one that has a catalog consisting of individual MARC records for each of its items. Today, MARC is the

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<sup>1</sup> The full text of the standard is available from the Library of Congress at <http://www.loc.gov/marc/bibliographic/>.

primary communications protocol for the transfer and storage of bibliographic metadata in libraries.<sup>2</sup>

11. A MARC record comprises several fields, each of which contains specific data about the work. Each field is identified by a standardized, unique, three-digit code corresponding to the type of data that follow. For example, a work's title is recorded in field 245, the primary author of the work is recorded in field 100, an item's International Standard Book Number ("ISBN") is recorded in field 020, an item's Library of Congress call number is recorded in field 050, and the publication date is recorded in field 260 under the subfield "c." If a work is a periodical, then its publication frequency is recorded in field 310, and the

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<sup>2</sup> Almost every major library in the world is MARC-compatible. *See, e.g., MARC Frequently Asked Questions (FAQ)*, LIBRARY OF CONGRESS, <https://www.loc.gov/marc/faq.html> (last visited December 28, 2015) ("MARC is the acronym for MACHine-Readable Cataloging. It defines a data format that emerged from a Library of Congress-led initiative that began nearly forty years ago. It provides the mechanism by which computers exchange, use, and interpret bibliographic information, and its data elements make up the foundation of most library catalogs used today."). MARC is the ANSI/NISO Z39.2-1994 (reaffirmed 2009) standard for Information Interchange Format.

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