

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Unified Patents Inc.,
Petitioner

v.

Bradium LLC
Patent Owner

IPR2018-00952
U.S. Patent 9,253,239

DECLARATION OF DR. SYLVIA D. HALL-ELLIS

I, Dr. Sylvia D. Hall-Ellis, declare as follows:

I. INTRODUCTION

1. My name is Sylvia Hall-Ellis. I have been retained as an expert by Unified Patents Inc. in connection with its petition for *inter partes* review of United States Patent No. 9,253,239.

2. I have written this report to provide my expert opinion regarding the public availability of certain publications. My report sets forth my opinions in detail and provides the basis for my opinions regarding the authenticity and public availability of these publications. If called to testify in the above-captioned matter, I will testify with regard to the opinions and bases set forth below.

3. I reserve the right to supplement or amend my opinions, and bases for them, in response to any opinions expressed by patentee's experts, or in light of any additional evidence, testimony, discovery, and/or argument advanced by patentee, and/or other additional information that may be provided to me after the date of this report. Additionally, I reserve the right to prepare any exhibits that will be used to summarize or support my opinions, including demonstrative exhibits. I reserve the right to create additional summaries, tutorials, demonstrations, charts, drawings, tables, and/or animations that may be appropriate to supplement and demonstrate my opinions.

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 the petition. I have no other interests in this matter with any of the parties.

5. Aside from the documents and references mentioned below, these are the additional materials I have considered in forming the opinions expressed in this report:

- a. Webpages hosted at www.iec.ch;
- b. Wayback Machine archives for www.iec.ch and www.dnp.org;
- c. OCLC (www.worldcat.org);
- d. Online catalogs at academic libraries (San José State University; Cal Tech University; University of California – Berkeley; University of Washington; University of Michigan; Georgia Tech; University of Wisconsin – Madison; Carnegie Mellon University; Cornell University; Stanford University; and University of Illinois at Urbana-Champaign).

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-five 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. Currently I serve as a member of the Editorial Board for the ALCTS premier cataloging journal, *Library Resources and Technical Services*.

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. My full curriculum vitae is attached hereto as Exhibit 1021. I have previously testified at deposition in five 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.; *Hitachi Maxell, Ltd. v. Top Victory Electronics Co., Ltd.*, 2:14-CV-1121 on behalf of Top Victory

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.; *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., and U.S. Cellular Corporation; and, *Symantec, Corp. v. Finjan, Inc.*, 14:cv-2998 (N.D. Cal.), on behalf of Symantec Corp. I have never testified at trial as an expert.

III. LIBRARY CATALOGING PRACTICES

9. 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.¹ 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 primary communications protocol for the transfer and storage of bibliographic metadata in libraries.²

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

² 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 March 10, 2018) (“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

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