

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERRILL COMMUNICATIONS LLC d/b/a MERRILL CORPORATION,

Petitioner,

v.

E-NUMERATE SOLUTIONS, INC.,

Patent Owner.

Patent No. 9,268,748

Issue Date: February 23, 2016

Title:

SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR
OUTPUTTING MARKUP LANGUAGE DOCUMENTS

DECLARATION OF PETER ROLLA

I, Peter Rolla, state and declare as follows:

1. I am the Program Director for Content Acquisition and Resource Sharing at the University of California - San Diego Library.
2. I received a Master's degree in Library and Information Science from Simmons College in Boston, MA, in June of 2003 and I have been working as a professional librarian since January 2004.
3. I am over 18 years of age and am competent to make this Declaration. I make this Declaration based on my own knowledge and experience as a librarian, and based on my knowledge and review of the acquisitions, cataloging, and general practices of the University of California - San Diego Library.
4. I have been employed at the University of California - San Diego Library since October 2013.
5. Through my employment at the University of California - San Diego Library and the actions described in paragraph 3, I have become knowledgeable about the University of California - San Diego Library's regular business practices with respect to how it acquires, catalogs, shelves, and makes available to the public books, periodicals, and other resources.
6. The University of California - San Diego Library purchases books and other scholarly resources from a variety of vendors. Metadata about the books and

scholarly resources, which is designed to aid students, faculty, and members of the public in locating the library resources they need, is entered into our online catalog or database upon receipt of the materials. This metadata includes transcriptions of the title, publication information, and standard numbers like ISBNs; access points for the authors, editors, and corporate bodies associated with the creation of the work; and subject headings from the Library of Congress Subject Headings. This metadata allows for searching by author, title, ISBN, and subject, including keyword searching. The Library's online catalog is openly available on the World Wide Web.

- a. The metadata in our catalog also includes a call number from the Library of Congress Classification system, based on the subjects of the book. The University of California - San Diego Library shelves books in our open stacks in call number order.
- b. Another piece of the metadata is the Cataloging Date, abbreviated "CAT DATE" in the database. This date indicates that all of the cataloging work was completed on that date. After this date is entered, the book is routed for physical processing, which includes a call number label, and then to be shelved. If normal procedures are followed, a book should be on the shelf and available for check out approximately one week after the Cataloging Date.

7. The publication entitled “The XML Handbook”, written by Charles F. Goldfarb and Paul Prescod with ISBN number 0130811521 (hereinafter “XML Handbook”) is owned by the University of California - San Diego Library and its bibliographic record in our database has a Cataloging Date (“CAT DATE”) of September 10, 1998.
8. Attached as Exhibit A is a true and correct copy of the University of California - San Diego Library bibliographic record for the XML Handbook which displays a Cataloging Date of September 10, 1998.
9. Exhibit A is a record kept in the ordinary course of the University of California - San Diego Library’s activities.
10. Attached as Exhibit B is a true and correct depiction of the XML Handbook which is available in the University of California - San Diego Library, including the cover and copyright page.
11. There is no evidence to suggest that normal procedures were not followed in the acquisition and cataloging of XML Handbook. Therefore the Cataloging Date indicates that the XML Handbook was available to the public to be checked out within approximately one week of September 10, 1998.

I declare under penalty of perjury that the foregoing is true and correct.

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