Petition for *Inter Partes* Review of U.S. Patent No. 9,262,383

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. 9,262,383

Issue Date: February 16, 2016

Title:
SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR
PROCESSING A MARKUP DOCUMENT

———————————

DECLARATION OF ANNE RONDONI TAVERNIER

———————————

I, Anne Rondoni Tavernier, state and declare as follows:

1. I am an attorney at Fredrikson & Byron P.A.

2. 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.

3. On June 27, 2018, I utilized the "Ask a Librarian" General Inquiries Form on the Library of Congress website to inquire about date on which the book *Mastering Access 97* (hereinafter "Access") with ISBN 0-7821-1924-7 and Library of Congress Card Number 96-71646 was received by the Library of Congress.

4. On July 2, 2018, I received an e-mail response to this request from the Researcher and Reference Services Division of the Library of Congress.

5. Attached as Exhibit A is a true and correct copy of my June 27 inquiry to the Library of Congress, and the Library of Congress' subsequent July 2 reply.

6. The Library of Congress utilizes MARC records. According to the Library of Congress website, available at https://catalog.loc.gov/vwebv/ui/ en_US/ htdocs/help/index.html, the Library of Congress "uses the international MARC 21 encoding standard to represent and communicate bibliographic, authority, and holdings data in LC Online Catalog records. This standard explicitly characterizes the structure, content designation, and data content

(or fields) found in each Catalog record. Some data specific to the Library is contained in locally-defined MARC fields."

7. The Library of Congress' July 2 response reflected in Exhibit A contained the MARC record for Access. The response also contained a link to the Library of Congress' online bibliographic record and MARC record for Access.

8. Attached as Exhibit B is a true and correct depiction of the full bibliographic record and MARC record for Access which is accessible by clicking the link contained in the Library of Congress' July 2 response email.

9. The MARC records as depicted in both Exhibit A and Exhibit B contain the same substantive MARC information for Access.

10. The MARC record for Access confirms that it was available in the Library of Congress as of March 1997.

11. The Library of Congress' July 2 response reflected in Exhibit A indicates that the publisher sent Access to the Library of Congress on March 6, 1997, which is visible in the MARC field 955.

12. According to the Library of Congress website, the Library of Congress releases Descriptive Cataloguing Manuals ("DCMs") which contain the specific cataloguing practices of the Library of Congress. These manuals are released and updated at least annually. Attached as Exhibit C is a true and

correct copy of the Library of Congress website where the DCMs are available.

13. The 2006 DCM indicates that MARC field 955 is used for "Local Functional Tracking Information." Attached as Exhibit D is a true and correct excerpt of the 2006 DCM Update 1-2 which indicates the purpose of the MARC field 955.

14. Use of the MARC field 955 for tracking information continues to present day, as the 2017 DCM update shows that the 955 field is still used for book location tracking. Attached as Exhibit E is a true and correct excerpt of the 2017 DCM Update 4 which indicates the purpose of the MARC field 955.

15. The final date listed in the MARC field 955 for Access is March 19, 1997.

16. According to the Library of Congress 2012 MARC Concise Format Overview, available at https://www.loc.gov/marc/MARC_2012_Concise _PDF/Part3_Bibliographic.pdf , the MARC fields 630 and 650 contain subject headings and access terms. Attached as Exhibit F is a true and correct excerpt of the Library of Congress 2012 MARC Format Overview which indicates the purpose of the MARC fields 630 and 650.

17. As reflected in Exhibits A and B, the MARC field 630 for Access contains the subject denotations "Microsoft Access," and "Microsoft Windows

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.