

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETFLIX, INC.  
Petitioner

v.

REALTIME ADAPTIVE STREAMING, LLC  
Patent Owner

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Case No. IPR2018-01630  
Patent 9,769,477

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**DECLARATION OF SYLVIA D. HALL-ELLIS, PH.D.**

NETFLIX, INC

## I. INTRODUCTION

1. My name is Sylvia D. Hall-Ellis. I have been retained by Netflix, Inc., in connection with petitions it is preparing for *inter partes* review.

2. I have written this declaration to provide my expert opinion regarding the authenticity and public availability of several books, journal articles, and webpages. My declaration sets forth my opinions in detail and provides the basis for my opinions regarding the public availability of these publications.

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 declaration.

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 declaration, the substance of my opinions, or the outcome of the proceedings. 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-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.

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 Appendix A to this declaration.

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

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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/>.

<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 September 4, 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

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 publication dates (e.g., the first and last publication) are recorded in field 362, which is also referred to as the enumeration/chronology field.

12. The library that created the record is recorded in field 040 in subfield "a" with a unique library code. When viewing the MARC record online via Online Computer Library Center's ("OCLC") Connexion database, hovering over this code with the mouse reveals the full name of the library. I used this method of "mousing over" the library codes in the OCLC database to identify the originating

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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 2016) standard for Information Interchange Format.

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