

Declaration of Sylvia Hall-Ellis, Ph.D.
Petition for *Inter Partes* Review of
U.S. Patent No. 8,279,173 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., INSTAGRAM, LLC, and WHATSAPP INC,
Petitioners

v.

BLACKBERRY LIMITED
Patent Owner

U.S. Patent No. 8,279,173 B2
Issue Date: October 2, 2012

Title: User Interface for Selecting a Photo Tag

DECLARATION OF SYLVIA HALL-ELLIS, PH.D.

Table of Contents

	Page
I. INTRODUCTION	1
II. QUALIFICATIONS	2
III. PRELIMINARIES	3
A. Scope of Declaration and Legal Standards	3
B. Persons of Ordinary Skill in the Art.....	5
C. Use of Authoritative Databases.....	5
1. Indexing	6
D. Summary of Opinions	7
IV. LIBRARY CATALOGING PRACTICES.....	7
A. MARC Records and OCLC.....	7
1. Fields 008, 005, and 955 in MARC Records as Indicators of Public Accessibility	15
V. PUBLICATIONS IN THIS PROCEEDING.....	20
A. Plotkin [Exhibit B]	20
VI. CONCLUSION.....	22

Declaration of Sylvia Hall-Ellis, Ph.D. in Support of
Petition for *Inter Partes* Review of
U.S. Patent No. 8,279,173 B2

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

I. INTRODUCTION

1. My name is Sylvia D. Hall-Ellis. I have been retained as an expert by Facebook, Inc., Instagram LLC, and WhatsApp Inc., who I am informed are petitioners to this IPR proceeding.

2. I have written this report at the request of the Petitioners to provide my expert opinion regarding the public availability of a particular book, identified below. 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 to 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 and relied upon are discussed explicitly in this declaration.

Declaration of Sylvia Hall-Ellis, Ph.D. in Support of
Petition for *Inter Partes* Review of
U.S. Patent No. 8,279,173 B2

II. QUALIFICATIONS

6. I am currently an Adjunct Professor in the School of Information at San José State University in San José, California. 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

Declaration of Sylvia Hall-Ellis, Ph.D. in Support of
Petition for *Inter Partes* Review of
U.S. Patent No. 8,279,173 B2

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**.

III. PRELIMINARIES

A. Scope of Declaration and Legal Standards

10. I am not an attorney and will not offer opinions on the law. I am, however, rendering my expert opinion on the authenticity of the documents referenced herein and on when and how each of these documents was disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, could have located the documents before the dates discussed below with respect to the specific documents.

11. I am informed by counsel that a printed publication qualifies as publicly accessible as of the date it was disseminated or otherwise made available such that a person interested in and ordinarily skilled in the relevant subject matter could locate it through the exercise of ordinary diligence.

12. While I understand that the determination of public accessibility under the foregoing standard rests on a case-by-case analysis of the facts particular to an

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.