

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Unified Patents Inc.
Petitioner,

v.

GE Video Compression, LLC,
Patent Owner.

Case No. 2019-00726
Patent 6,943,710

DECLARATION OF JACOB ROBERT MUNFORD

1. My name is Jacob Robert Munford. I am over the age of 18, have personal knowledge of the facts set forth herein, and am competent to testify to the same.

2. I earned a Master of Library and Information Science (MLIS) from the University of Wisconsin-Milwaukee in 2009. I have over ten years of experience in the library/information science field. Beginning in 2004, I have served in various positions in the public library sector including Assistant Librarian, Youth Services Librarian and Library Director. I have attached my Curriculum Vitae as Appendix A.

3. During my career in the library profession, I have been responsible for materials acquisition for multiple libraries. In that position, I have cataloged, purchased and processed incoming library works. That includes purchasing materials directly from vendors, recording publishing data from the material in question, creating detailed material records for library catalogs and physically preparing that material for circulation. In addition to my experience in acquisitions, I was also responsible for analyzing large collections of library materials, tailoring library records for optimal catalog search performance and creating lending agreements between libraries during my time as a Library Director.

4. I am not a lawyer and I am not rendering an opinion on the legal question of whether a particular document is, or is not, a “printed publication” under the law.

5. I am, however, rendering my expert opinion on the authenticity of the documents referenced herein and on when and how these documents were 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 in the 1985-1987 timeframe.

6. I am informed by counsel that an item is considered authentic if there is sufficient evidence to support a finding that the item is what it is claimed to be. I am also informed that authenticity can be established based on the contents of the documents themselves, such as the appearance, content, substance, internal patterns, or other distinctive characteristics of the item, taken together with all of the circumstances.

7. 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.

8. 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

individual publication, I also understand that a printed publication is rendered “publicly accessible” if it was disseminated with no restrictions and was intended to reach the general public. I further understand that a printed publication is also rendered “publicly accessible” if it was cataloged and indexed by a library such that a person interested in the relevant subject matter could locate it (*i.e.*, I understand that cataloging and indexing by a library is sufficient, though there are other ways that a printed publication may qualify as publicly accessible). One manner of sufficient indexing is indexing according to subject matter category. I understand that the cataloging and indexing by a single library of a single instance of a particular printed publication is sufficient, even if the single library is in a foreign country. I understand that, even if access to a library is restricted, a printed publication that has been cataloged and indexed therein is publicly accessible so long as a presumption is raised that the portion of the public concerned with the relevant subject matter would know of the printed publication. I also understand that the cataloging and indexing of information that would guide a person interested in the relevant subject matter to the printed publication, such as the cataloging and indexing of an abstract for the printed publication, is sufficient to render the printed publication publicly accessible.

9. I understand that routine business practices, such as general library cataloging and indexing practices, can be used to establish an approximate date on which a printed publication became publicly accessible.

10. In forming the opinions expressed in this declaration I have reviewed the documents and appendices referenced herein. These materials are records created in the ordinary course of business by publishers, libraries, indexing services, and others. From my years of experience, I am familiar with the process for creating many of these records, and I know these records are created by people with knowledge of the information in the record. Further, these records are created with the expectation that researchers and other members of the public will use them. All materials cited in this declaration and its appendices are of a type that experts in my field would reasonably rely upon and refer to in forming their opinions.

11. I am told by counsel that the subject matter of this proceeding relates to digital data compression.

12. I have been informed by counsel that a “person of ordinary skill in the art at the time of the inventions” is a hypothetical person who is presumed to be familiar with the relevant field and its literature at the time of the inventions. This hypothetical person is also a person of ordinary creativity, capable of understanding the scientific principles applicable to the pertinent field.

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