

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GUARDIAN ALLIANCE TECHNOLOGIES, INC.  
Petitioner

v.

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TYLER MILLER,  
Patent Owner

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Case No. IPR2020-00031

Patent No. 10,043,188

Issued: August 7, 2018

Application No.: 14/721,707

Filed: May 26, 2015

Title: BACKGROUND INVESTIGATION MANAGEMENT SERVICE

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**DECLARATION OF JORDAN A. SIGALE IN SUPPORT OF  
PETITIONER'S MOTION TO CORRECT A CLERICAL MISTAKE IN  
THE PETITION UNDER 37 C.F.R. § 42.104(C)**

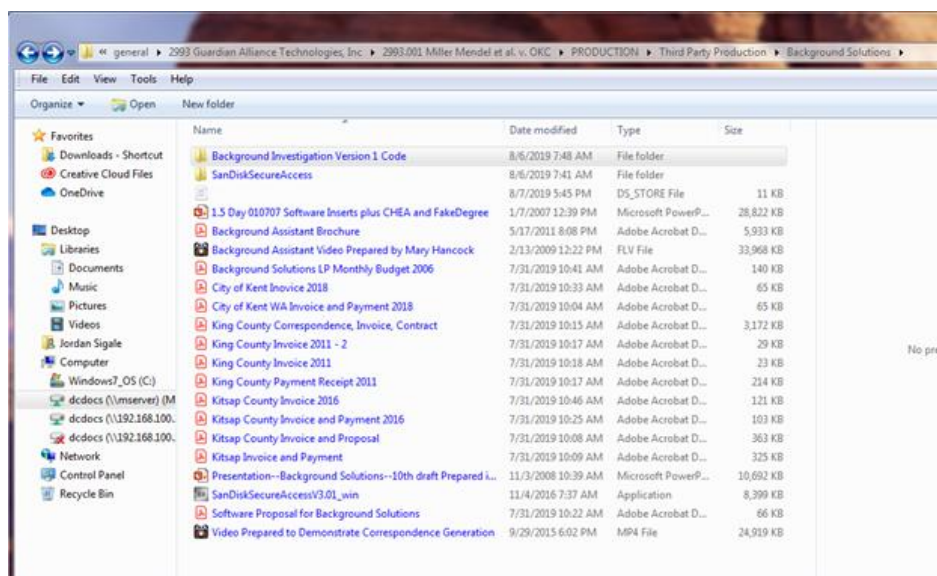
**GUARDIAN EXHIBIT 1028**

I, Jordan A. Sigale, declare as follows:

1. I am a Director and head of the Litigation Practice Group at the law firm of Dunlap Coddling, P.C. I am registered to practice before the U.S. Patent and Trademark Office. And I am lead counsel for Petitioner Guardian Alliance Technologies, Inc. in connection with the above-captioned *inter partes* review proceeding involving U.S. Patent No. 10,043,188.
2. I have personal knowledge of the matters set forth in this declaration. If called as a witness, I am competent to testify to these matters.
3. I supervised the preparation, uploading, and filing of the Petition and all exhibits submitted to the USPTO's PTAB E2E system on behalf of Petitioner on October 10, 2019.
4. Submitted with Guardian's Motion to Correct a Clerical Mistake as Ex. 1027 is a true and correct copy of the 2009 Background Solutions video demonstration ("the 2009 Video") that Petitioner intended to be uploaded as Ex. 1002 instead of the 2012 video that was actually uploaded as Ex. 1002 ("the 2012 Video").
5. During the related district court litigation, *Miller Mendel, Inc. et al. v. The City of Oklahoma City*, Case No. 5:18-cv-00990-JWD (W.D. Okla.), for which Dunlap Coddling, P.C. is counsel of record for Guardian's indemnitee, the City of Oklahoma City ("OKC"), OKC obtained from third party Background Solutions,

LLC on or about August 5, 2019, a production of documents and files (the “Background Solutions Files”), which included the 2009 Video and the 2012 Video.

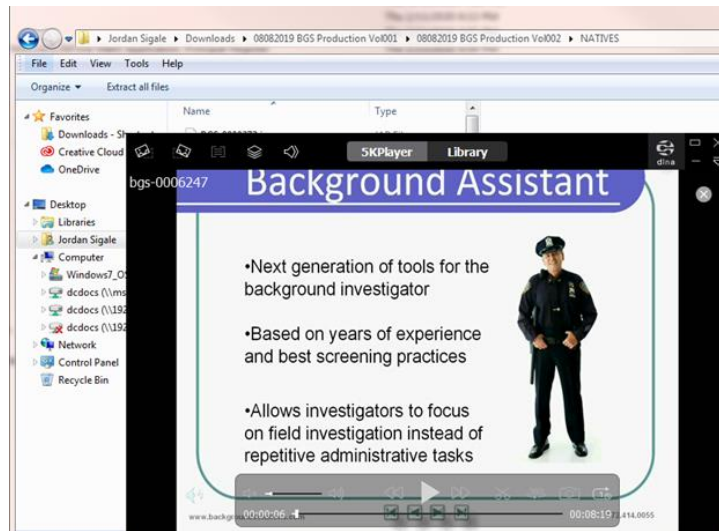
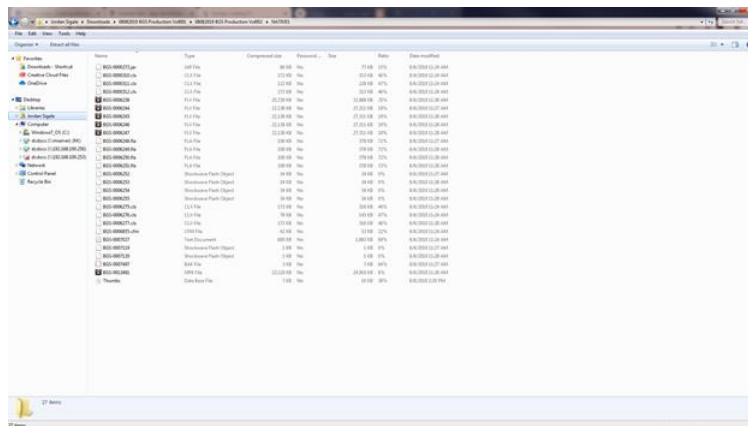
6. As shown below, the Background Solutions Files were, and continue to be, stored on Dunlap Codding’s document server in the “Background Solutions” subfolder in the “Third Party Production” subfolder for the Related Litigation (“RL Directory”):



7. On August 8, 2019 in the related litigation, Patent Owner’s counsel was served with the Background Solutions Files by providing them with a link to Dunlap Codding’s Exavault file sharing system.

8. Patent Owner’s counsel in the related litigation, Rylander & Associates P.C., is the counsel-of-record for the ’188 Patent at the USPTO, as well as Backup Counsel in this IPR proceeding.

9. As seen below, the Background Solutions Files served on Miller’s counsel included the 2009 Video. To create the screenshots shown below, earlier today I clicked on the link provided to Patent Owner’s counsel via email in August 2019, entered the password into the resulting Exavault login screen, and downloaded the zipped production file folder to my computer. I then opened the zipped folder to the “NATIVES” subdirectory, shown below to include BGS-0006247:



10. OKC’s invalidity contentions and charts, served on Patent Owner’s counsel

the same day, relied upon and made reference to the Background Solutions Reference--i.e., the 2009 Video.

11. The cover pages for each of the Background Solutions invalidity charts disclose that the “Background Solutions Demo (“BGS-0006247”)” is included in the Background Solutions System:

Evidence of the public availability of the Background Solutions system includes the following:

- Background Solutions Screenshot Products (“OKC-0002244”)
- Background Solutions Screenshot Services (“OKC-0002246”)
- Background Solutions Demo (“BGS-0006247”)
- Background Solutions Screenshot FAQ (“OKC-0002247”)

12. These invalidity charts contain virtually the same screenshots, time-stamps, and narration transcript accompanying the 2009 Video as was included in the Petition. For the convenience of the Board, true and correct copies of the invalidity charts for which the Background Solutions 2009 Video served as the primary reference and were served on Patent Owner’s Backup Counsel on August 8, 2019 are submitted as Exhibits 1029 and 1030.

13. As shown in Exhibits 1029 and 1030, these invalidity contentions were not marked with any confidentiality designation.

14. While preparing the IPR Petition, we relied upon the 2009 Video saved in the RL Directory.

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