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. Unassigned
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 KINGSLEY KLOSSON

I, Kingsley Klosson, declare as follows:

1.   From March 2003 to present, I have served as Principal of Essential Software Development, LLC. During that time, my responsibilities have generally included developing and delivering business software solutions, most notably for the management of Combined Federal Campaign operations and law enforcement background investigations supporting software.

2.   I have a Bachelor of Business Administration from National University San Diego.

3.   I am a self-taught developer and have brought two major products to the marketplace, both of which are in service and profitable.

4.   I have been familiar with and worked in the area of law enforcement background investigation since 2005.

5.   At that time, myself, and others who worked in the area of law enforcement background investigation, were looking for a way to combine and automate the then-current methods, techniques, and systems for conducting law enforcement background investigations.

6.   As a result, I began developing one of my products, the Peace Officer Background Investigation Tracking System ("POBITS"), in 2005 and developed a web-based version of the product in 2008, which went live in 2010.

7.   The POBITS product and system is a background investigation

system designed to assist law enforcement agencies in conducting background

investigations on candidates for sworn and non-sworn positions in accordance with

Peace Officer Standards and Training guidelines.

8.   At the time of my development of the POBITS, and as early as 2005,

I, and others in the field, could access publicly-available databases containing lists

of law enforcement agencies in particular areas, e.g. by zip code.

9.   The POBITS product and system has been offered for sale since 2005

and the modernized system since 2010.

10.   In conjunction with marketing and offering the POBITS product for

sale, between 2005 and 2010, I posted a POBITS online user manual and technical

reference (Ex. 1004) to my company's website,

http://www.esdevllc.com/pobits/help/index.html. As corroborated by the Internet

Archive, the POBITS user manual and technical reference (Ex. 1004) was

available to the public no later than February 1, 2011.

11.   Ex. 1004 is a collection of screenshots of the Internet Archive

(http://web.archive.org) crawls or snapshots of the online POBITS user manual and

technical reference, taken on February 1, 2011

(https://web.archive.org/web/20110201221611/http://www.esdevllc.com/pobits/hel

p/index.html). This exhibit correctly depicts the online POBITS user manual and

technical reference as of February 1, 2011.

12.   Ex. 1004 is a true and correct copy of the POBITS online user's

manual that was available to the public through the Essential Software

Development website no later than February 1, 2011.

13.   All statements made herein are of my own knowledge are true; all

statements made on information and belief are believed to be true; and these

statements were made with the knowledge that willful false statements and the like

are punishable by fine or imprisonment or both under 18 U.S.C. § 1001.

Date: October 10, 2019   _____
                                          Kingsley Klosson