

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Massi E. Kiani et al.
U.S. Patent No.: 6,771,994 Attorney Docket No.: 50095-0005IP1
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Appl. Serial No.: 10/374,303
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Title: PULSE OXIMETER PROBE-OFF DETECTION SYSTEM

Mail Stop Patent Board

Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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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 fully familiar with the catalog record creation process in the library sector. In preparing a material for public availability, a library catalog record describing that material would be created. These records are typically written in Machine Readable Catalog (herein referred to as “MARC”) code and contain information such as a physical description of the material, metadata from the material’s publisher, and date of library acquisition. In particular, the 008 field of the MARC record is reserved for denoting the date of creation of the library record itself. As this typically occurs during the process of preparing materials for public access, it is my experience that an item’s MARC record indicates the date of an item’s public availability.

5. Typically, in creating a MARC record, a librarian would gather various bits of metadata such as book title, publisher and subject headings among others and assign each value to a relevant numerical field. For example, a book’s physical description is tracked in field 300 while title/attribution is tracked in field 245. The 008 field of the MARC record is reserved for denoting the creation of the library record itself. As this is the only date reflecting the inclusion of said materials within the library’s collection, it is my experience

that an item's 008 field accurately indicates the date of an item's public availability.

6. This declaration is being drafted as of August 2020. Public and university libraries in my area have been closed for months due to the COVID-19 pandemic. My state, Pennsylvania, has a travel advisory, which has affected my ability to travel. In my experience, library catalog records are accurate descriptions of a library's collection and my lack of physical access to libraries at this time creates no doubt in my determinations of authenticity or availability of the exhibits noted below.
7. I have reviewed Exhibit 1010, a copy of the book entitled *Design of Pulse Oximeters* by John G. Webster (hereinafter referred to as "Webster").
8. Attached hereto as Appendix WEBSTER01 is a true and correct copy of the MARC record for Webster as held by the University of Pennsylvania's library. I secured this record myself from the library's public catalog.
9. The MARC record contained within Appendix WEBSTER01 accurately describes the title, author, publisher, and ISBN number of Webster. In comparing the listed fields in Appendix WEBSTER01 to Exhibit 1010, it is my determination that Exhibit 1010 is a true and correct copy of Webster,

and is the same as the copy of Webster in University of Pennsylvania's library.

10. The 008 field of the MARC record noted in page 1 of Appendix

WEBSTER01 indicates that Webster was first cataloged by the University of Pennsylvania's library as of November 26, 1997. Based on this information, it is my determination that Webster was made available to the public by the University of Pennsylvania at least as of November 26, 1997.

11. I have been retained on behalf of the Petitioner to provide assistance in the above-illustrated matter in establishing the authenticity and public availability of the documents discussed in this declaration. I am being compensated for my services in this matter at the rate of \$100.00 per hour plus reasonable expenses. My statements are objective, and my compensation does not depend on the outcome of this matter.

12. I declare under penalty of perjury that the foregoing is true and correct. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

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