

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.
Petitioner

v.

LITL LLC
Patent Owner

IPR Case No. IPR2021-00786
U.S. Patent No. 9,880,715

**DECLARATION OF MICHAEL J. HOPKINS IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. § 311 *ET SEQ.* AND 37 C.F.R. § 42.100 *ET SEQ.*
(CLAIMS 1-20 OF U.S. PATENT NO. 9,880,715)**

Declaration of Michael J. Hopkins

I, Michael J. Hopkins, declare as follows:

1. I am an associate at Sheppard Mullin Richter & Hampton, LLP and an attorney of record in this proceeding. I am familiar with the facts set forth herein. If called as a witness, I could and would competently testify to all facts within my personal knowledge except where stated upon information and belief.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Amazon.com webpage for the book titled *Windows XP Home Edition: The Missing Manual (2nd Edition)*, by David Pogue and identified by ISBN-13: 978-0596008970/ISBN-10: 059600897X, which I visited on or about April 28, 2021. On the left side of the webpage, underneath the ISBN numbers, is the text “Why is ISBN important?” When I hovered my mouse over the text, a box popped up that stated, “This bar-code number lets you verify that you’re getting exactly the right version or edition of a book. The 13-digit and 10-digit formats both work.” Towards the bottom of that webpage is an option to “See all reviews,” to which I navigated. In the resulting “Customer reviews” page, I sorted the reviews by “Most recent,” which resulted in four webpages of reviews in reverse chronological order. Attached hereto as **Exhibit 2** are true and correct copies of the four webpages of Amazon.com reviews (which prints out to 19 PDF pages, excluding the Page Vault web capture cover pages). These four webpages contain approximately 40 user reviews of the book, of which 12 are dated before April 1, 2008, and 10 are dated before April 1, 2007. The earliest review is dated January 14, 2005.

3. Attached hereto as **Exhibit 3** is a true and correct copy of the Amazon.com webpage for the book titled *Windows XP Home Edition: The Missing Manual (2nd Edition)*, by David Pogue and identified by ISBN-13: 978-0596008970/ISBN-10: 059600897X, with a capture date of January 3, 2007, which

I obtained from Archive.org on or about April 28, 2021. This webpage contains a button, “Add to Shopping Cart,” indicating the book was for sale. This webpage also contains four user reviews of the book, all dated before the capture date (i.e., January 3, 2007).

4. Attached hereto as **Exhibit 4** is a true and correct copy of the O’Reilly Media Inc.’s Catalog webpage for the book titled *Windows XP Home Edition: The Missing Manual (2nd Edition)*, by David Pogue and identified by ISBN-13: 978-0596008970/ISBN-10: 059600897X, with a capture date of February 20, 2007, which I obtained from Archive.org on or about April 28, 2021. This webpage contains a section called “Media reviews,” which includes a quote from a review with an accompanying date of “January 2005.”

5. On April 21, 2021, I contacted O’Reilly Media Inc., the publisher of the book titled *Windows XP Home Edition: The Missing Manual (2nd Edition)*, by David Pogue and identified by ISBN-13: 978-0596008970/ISBN-10: 059600897X. Specifically, I emailed the publisher at its Global Support email address (support@oreilly.com), which is provided in the “Contacts” portion of their website (available at <https://www.oreilly.com/about/contact.html>). In my email, I asked about the date of availability of the book to the public. That same day, a representative from customer support responded, confirming that the book “was released January 11, 2005” and “[a]t the time of release, it would be available to Safari Books Online subscribers, individuals, and libraries.” Attached hereto as **Exhibit 5** is a true and correct copy of this correspondence. To confirm what the customer support representative told me, I located the “O’Reilly Safari Books Online” webpage for the book on Archive.org, with a capture date of July 28, 2006. Attached hereto as **Exhibit 6** is a true and correct copy of this webpage from Archive.org, which I obtained on or about April 28, 2021.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I understand that willful false statements are punishable by fine or imprisonment or both (18 U.S.C. § 1001).

Executed on April 29, 2021 in San Diego, California.

/Michael J. Hopkins/
Michael J. Hopkins

EXHIBIT 1

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