

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

NEONODE SMARTPHONE LLC,

Patent Owner.

Case No. IPR2021-01041

U.S. Patent No. 8,905,879

Declaration of Kelley M. Hayes Greenhill

I. Introduction

1. I have prepared this Declaration in connection with the Petition for *Inter Partes* Review of U.S. Patent No. (Petition), which I understand will be filed concurrently with this Declaration.

2. I am currently the Manager of the Research & Information Services team at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, located at 901 New York Avenue, NW, Washington, DC 20001-4413.

3. I am over eighteen years of age, and I am competent to make this Declaration. I make this Declaration based on my own personal knowledge, and based on my knowledge of library science practices.

4. I earned a Master of Science in Library Science from the Catholic University of America in 1995, and a Bachelor of Arts in Political Science from Duquesne University in 1989. I have worked as a librarian for over twenty-five years. I have been employed in the Research & Information Services Department at Finnegan Henderson since 2019. Before that, from 1995-2015, I was employed in the Library Department of Sterne Kessler Goldstein & Fox. And from 2015-2019, I was employed in the Knowledge and Research Service Group (formerly, Information Research Service) at Northrop Grumman Corporation.

5. I am a member of the American Association of Law Libraries and a member of the Law Librarians' Society of Washington, DC.

II. Standard Library Practice for Receiving, Cataloging, and Shelving Materials

6. I have knowledge of and experience with standard library practices regarding the receipt, cataloging, and shelving of materials. I have knowledge of and experience with the Machine-Readable Cataloging (MARC) system libraries use to catalog materials.

7. Based on standard library practice, when a library receives an item, it stamps the item with the library name and often with a date within a few days or weeks of receipt. The library will catalog the item within a few days or weeks of receiving it.

8. By the mid-1970s, standard library practice involved cataloging items using the MARC system. The MARC system was developed during the 1960s to standardize bibliographic records so they could be read by computers and shared among libraries. By the mid-1970s, MARC had become the international standard for bibliographic data. And it is still used today.

9. After an item is cataloged, the public may access the item by searching the catalog and requesting the item from the library. Standard library practice is to then shelve the item within a few days or weeks of cataloging it.

10. Given the matter of a few days or weeks between receiving an item and cataloging it, and the matter of a few days or weeks between cataloging an item and shelving it, the total time between receiving an item and shelving it is usually a matter of a couple of weeks or months.

III. MARC Records

11. Many libraries provide public access to their MARC records via the Internet and/or their electronic cataloging system at the library. In a MARC record, each field provides information about the cataloged item. MARC uses a simple three-digit numeric code (from 001-999) to identify each field in the record. For example, field 245 identifies the title of the work. Field 250 identifies the edition number. Field 260 identifies publisher information. Field 020 identifies the International Standard Book Number (ISBN) for a book. And field 008 provides the date that the item was cataloged. The first six characters of field 008 are always in the “YYMMDD” format.

IV. MARC Records for *Robertson*

12. Exhibit 1005 to the concurrently filed Petition is a true and correct copy of Robertson, G.G. Henderson Jr. D.A. & Card, S.K. (1991), *Button as First Class Objects on an X Desktop*. In *UIST: PROCEEDINGS OF THE ACM SYMPOSIUM ON USER INTERFACE SOFTWARE AND*

TECHNOLOGY, HILTON HEAD, SOUTH CAROLINA, USA,

NOVEMBER 11-13, 1991 (“*Robertson*”).

13. Exhibit 1020 includes a true and accurate copy of the MARC record from the Washington Research Library Consortium (“WRLC”) for its copy of *Robertson*, downloaded from https://wrlc-gu.primo.exlibrisgroup.com/discovery/sourceRecord?vid=01WRLC_GUNIV:01WRLC_GUNIV&docId=alma9911002247004101&recordOwner=01WRLC_NETWORK on May 26, 2021. (Ex-1020.)

14. In this MARC record, the Main Entry-Meeting Name field 111 lists the serial title as “Proceedings of the ACM Symposium on User Interface Software and Technology,” which is the same title found in the citation. (Ex-1020 at 1.) MARC field 362 indicates that this publication is part of a series, and corresponds to the 4th symposium, held November 11-13, 1991. (Ex-1020 at 1.) MARC field 530 denotes that this publication was available as “symposium papers,” as well as “PDF format,” and online. (Ex-1020 at 1.)

15. In this MARC record, the date field 008 lists the first six characters “980224” in typical “**YMMDD**” format, indicating that *Robertson* was first cataloged by the Washington Research Library Consortium on February 24, 1998. Based on standard library practices, *Roberson* would have been shelved and available to the public a few days or

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