

Filed on behalf of: Bank of America, N.A.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Bank of America, N.A.  
Petitioner,

v.

Nant Holdings IP, LLC,  
Patent Owner.

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Case No. IPR2021-001080  
U.S. Patent No. 8,463,030

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**DECLARATION OF SYLVIA D. HALL-ELLIS, PH.D.**

I, Sylvia D. Hall-Ellis, Ph.D., declare as follows:

## I. INTRODUCTION

1. My name is Sylvia D. Hall-Ellis. I have been retained as an expert by Bank of America, N.A., who I am informed is the Petitioner in this *inter partes* review proceeding (“the Petitioner”). I am also informed that Bank of America, N.A. and Bank of America Corporation are the real parties-in-interest in this *inter partes* review proceeding.

2. I have written this Report at the request of the Petitioner to provide my expert opinion regarding the public availability of a certain publication, identified below. My Report sets forth my opinions in detail and provides the basis for my opinions regarding the public availability of this publication.

3. I reserve the right to supplement or amend my opinions, and bases for my opinions, in response to any additional evidence, testimony, discovery, argument, and/or other additional information that may be provided to me after the date of this Report.

4. I am being compensated for my time spent working on this matter at my negotiated consulting rate of \$200 per hour, plus reimbursement for any additional reasonable expenses. My compensation is *not* in any way tied to the content of this report, the substance of my

opinions, or the outcome of this proceeding. I have no other interests in this proceeding or with any of the parties.

5. All the materials that I considered and relied upon are discussed explicitly in this Report.

## II. QUALIFICATIONS

6. I am currently an Adjunct Professor in the School of Information at San Jose State University in San Jose, California. I obtained a Master of Library Science from the University of North Texas in 1972 and a Ph.D. in Library Science from the University of Pittsburgh in 1985. Over the last fifty years, I have held various positions in the field of library and information resources. I was first employed as a librarian in 1966 and have been involved in and held numerous positions in the field of library sciences since then.

7. I am a member of the American Library Association (ALA) and its Association for Library Collections & Technical Services (ALCTS) Division, and I served on the Committee on Cataloging: Resource and Description (which wrote the new cataloging rules) and as the chair of the Committee for Education and Training of Catalogers and the Competencies and Education for a Career in Cataloging Interest Group. I also served as the Chair of the ALCTS Division's Task Force on Competencies and

Education for a Career in Cataloging. Additionally, I have served as the Chair for the ALA Office of Diversity's Committee on Diversity, as a member of the REFORMA National Board of Directors, and as a member of the Editorial Board for the ALCTS premier cataloging journal, *Library Resources and Technical Services*. Currently I serve as a Co-Chair for the Library Research Round Table of the American Library Association.

8. I have also given over one hundred presentations in the field, including several on library cataloging systems and Machine-Readable Cataloging ("MARC") standards. My current research interests include library cataloging systems, metadata, and organization of electronic resources.

9. My full curriculum vitae is attached hereto as **Attachment 2**.

### **III. PRELIMINARIES**

#### **A. Scope of Report and Legal Standards**

10. I am not an attorney and will not offer opinions on the law. I am, however, rendering my expert opinion on the authenticity of the document referenced herein and on when and how the document was disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising

reasonable diligence, could have located the document before November 6, 2000.

11. I am informed by counsel that an item is considered authentic if there is sufficient evidence to support a finding that the item is what it is claimed to be. I am also informed that authenticity can be established based on the contents of the documents themselves, such as the appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances. I am further informed that an item is considered authentic if it is at least 20 years old, in a condition that creates no suspicion of its authenticity, and in a place where, if authentic, it would likely be.

12. I am informed by counsel that a printed publication qualifies as publicly accessible as of the date it was disseminated or otherwise made available such that a person interested in and ordinarily skilled in the relevant subject matter could locate it through the exercise of reasonable diligence.

13. While I understand that the determination of public accessibility under the foregoing standard rests on a case-by-case analysis of the facts particular to an individual publication, I also understand that a

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