

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.

Petitioner

v.

TELEFONAKTIEBOLAGET LM ERICSSON

Patent Owner

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*Inter Partes* Review Case No. IPR2022-00457

U.S. Patent No. 9,509,440

**DECLARATION OF JACOB ROBERT MUNFORD IN SUPPORT OF  
PETITION FOR INTER PARTES REVIEW OF  
U.S. PATENT NO. 9,509,440**

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 December 2021. Public and university libraries in my area have been operating for months with restricted access policies due to the COVID-19 pandemic. 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 1009, *4G: LTE/LTE-Advanced for Mobile Broadband* by Erik Dahlman, et al.
8. Attached hereto as Appendix B is a true and correct copy of the MARC record for *International Journal of Operations & Production Management* as held by the University of Akron library. I secured this record myself from the library's public catalog. The MARC record contained within Appendix B accurately describes the title, author, publisher, and ISBN number of *4G: LTE/LTE-Advanced for Mobile Broadband*. In comparing Exhibit 1009 to Appendix B, it is my determination that Exhibit 1009 is a true and correct

copy of *4G: LTE/LTE-Advanced for Mobile Broadband* by Erik Dahlman, et al.

9. The 008 field of each MARC record in Appendix B indicates the date of record creation. The 008 field of Appendix B indicates the University of Akron library first acquired this journal as of November 13, 2010.

Considering this information, it is my determination that *4G: LTE/LTE-Advanced for Mobile Broadband* by Erik Dahlman, et al. was made available to the public shortly after its initial acquisition in Winter 2010.

10. 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.

11. 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 the knowledge that

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