

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

DIGITAL CHECK CORP. d/b/a ST IMAGING
Petitioner

v.

E-IMAGEDATA CORP.
Patent Owner

CASE: IPR2017-00178
U.S. PATENT NO. 9,179,019

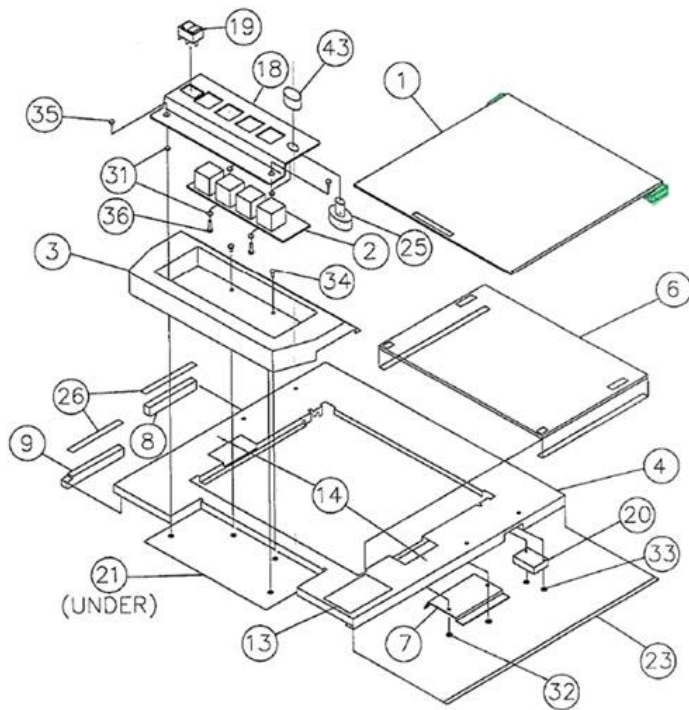
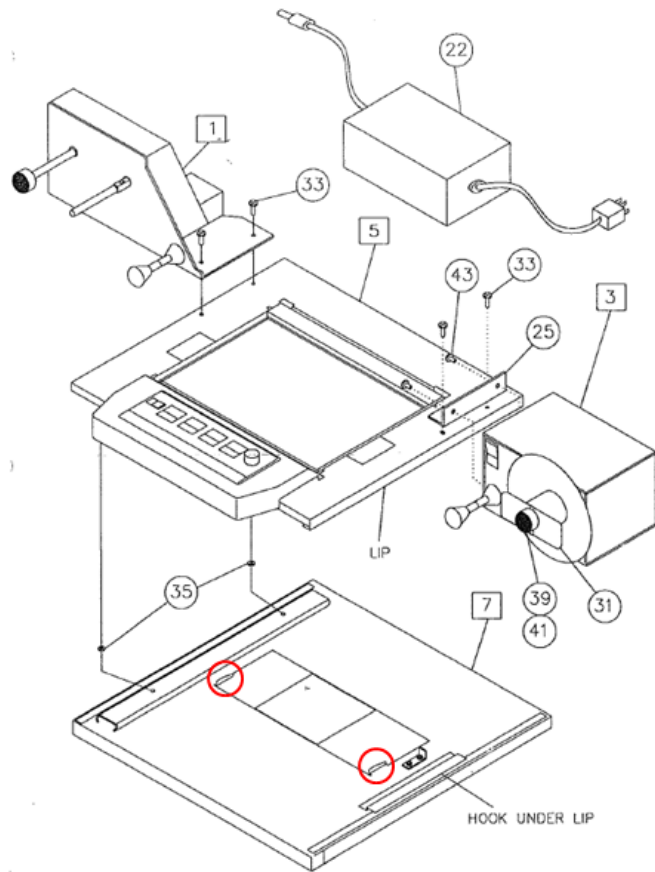
DECLARATION OF PHILIP G. BARBONI

1. I, Philip G. Barboni, do hereby declare and say:
2. I am over the age of twenty-one (21) and competent to make this declaration. I am also qualified to give testimony under oath. The facts listed below are within my personal knowledge.
3. I am a consultant for Digital Check Corp. (“Digital Check”). I was employed by Digital Check from 1989 to May of 2016.
4. In 2002, Image Capture Technologies (ICT) located in Rancho Cucamonga, California, was a wholly owned subsidiary of Digital Check. ICT was a contract manufacturing company that created imaging products for a number of companies including Minolta and Canon.
5. I was asked to review a document marked Ex. 1009. Ex. 1009 is a parts manual for the UC-6 universal microfilm carrier, specifically for the 6E, 6EC, and 6ECM models having parts numbers 210000-01, -02, and -03, respectively. These UC-6 models were designed to work universally with reader-printers from various companies such as Minolta and Canon.
6. Ex. 1009 was created by ICT, and I was the author of this document. Ex. 1009 was prepared and maintained in the ordinary course of ICT business. In the ordinary course of ICT business, Ex. 1009 was published to ICT’s distributors for the UC-6 product, including Minolta and Canon. Ex. 1009 was not marked confidential in any way and thus available to others outside of ICT. The listed

copyright date on Page 1 of Ex. 1009 is 2002. In general, at ICT, we tried to use copyright dates that reflected the actual dates of availability of particular versions of our manuals.

7. It is my recollection that this version of Ex. 1009 was available at least by the end of 2002. The copyright date on Ex. 1009 confirms this recollection. Thus, it is my recollection that Ex. 1009 was published in 2002 and was distributed with the UC-6 products in 2002. This comports with my recollection that these three UC-6 models also shipped in 2002.

8. On these UC-6 models, the upper glass opens automatically for insertion of microforms when the handle is pulled out. On page 19 of Ex. 1009 the handle is labeled 3 and the upper glass is labeled 1. When the handle is pulled forward, a lever at the back of the upper glass strikes a ramp which forces the glass open. I have reproduced the figures on pages 4 and 19 of Ex. 1009 below and have colored the lever in green and the ramps in red:



9. I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.