

Hansen Way, Palo Alto, CA 94304. I am over 18 years of age, and I make this Declaration based on my own knowledge, personal experience, and my duties conducted within the ordinary course of business at Varian. If called upon, I can competently testify to the facts stated in this Declaration.

3. My testimony in this declaration relates to a document titled “DMLC Implementation Guide,” Varian part number 1105417-02, which is Exhibit 1006 of an *inter partes* review proceeding involving U.S. Patent No. 7,961,843 (“the IPR proceeding” or “IPR”), and to a document titled “Dynamic Beam Delivery (DBD) Toolbox User’s Manual,” which is Exhibit 1005 of the IPR proceeding.

4. I am currently employed by Varian as Sr. Materials Manager, and I work in the Supply Chain Management Department. I have been employed by Varian since June 1990 and have held my current position since March 2013. Varian has policies for retaining and archiving its records. In my position, I am familiar with these policies and keep abreast of any changes. Varian’s document retention policies have been in effect since well before 2006.

5. Varian’s policy is to retain copies of all of its product literature, documentation, press releases, marketing materials, product packaging, and media in an official archive as part of its ordinary business practices, contemporaneously with release. For example, as part of its archiving policy, Varian retains product documentation including user manuals, user guides, and other related documents, press releases that show the release dates for its products, as well as

and 2006 did Varian change its standard practice of including a user manual.

7. It was also Varian's standard policy between 1990 and 2006 for user manuals and other documentation to be made available upon request to customers, potential customers, researchers, university personnel, and/or other individuals. This was Varian's practice at all times between 1990 and 2006, and this practice would have applied to any user manual and/or user guide, including the DLMC Implementation Guide and Dynamic Beam Delivery (DBD) Toolbox User's Manual.

8. I searched the Varian official archives, as well as Varian's online resources, for the DLMC Implementation Guide and the DBD Toolbox User's Manual. These documents have been kept in the normal course of business, which means that they have been retained in accordance with Varian's official archiving and online resource policies. As stated before, these policies include retaining a record of when these documents were made available by Varian. Based on my personal knowledge and experience as a Varian employee, as well as my knowledge of Varian's policies regarding maintaining documents in its archive, including during the 1990-2006 time period, I can testify competently as to the authenticity of the DLMC Implementation Guide and the DBD Toolbox User's Manual and the dates that these documents were available to the public.

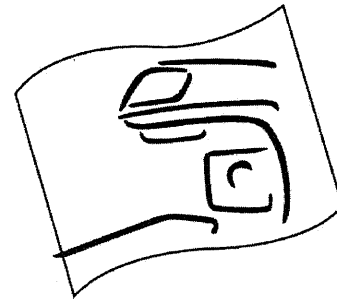
**IPR Exhibit 1006: DMLC Implementation Guide**

9. Through my searching of Varian's archives, I located a document titled "DMLC Implementation Guide," Varian part number 1105417-02, and it is identical to IPR Exhibit 1006.

business. Accordingly, IPR Exhibit 1006 is an authentic copy of the “DMLC Implementation Guide.”

10. It is standard Varian practice to identify a document’s version. The document version is typically kept on the document itself. For example, the document version for the “DMLC Implementation Guide” is at the bottom right corner of the title page (an annotated copy of the title page is reproduced below). In this instance, the document version is a Varian part number, “P/N 1105417-02.”

**DMLC™**  
*Implementation Guide*



VARIAN  
medical systems



P/N 1105417-02  
501

Implementation Guide for the years 2002-2005. The data used to populate this spreadsheet was retrieved from a Varian database used to track product stock and orders. Appendix A includes, among other columns, a column labeled “Pstg date,” which is an abbreviation for “posting date,” the date the document was issued out of stock to a customer order; and a column labeled “order,” which contains corresponding order numbers. This spreadsheet contains 1,575 order numbers with corresponding postage dates indicating that 1,575 copies of the DMLC Implementation Guide were issued out of stock to a customer order during the years 2002-2005.

12. Based on the foregoing, it is my belief that the DMLC Implementation Guide from the official Varian archives was provided to customers and/or other people who requested a copy prior to April 27, 2006 and also before April 27, 2005.

**IPR Exhibits 1020-1022: Third Party Citations to Varian’s DMLC Implementation Guide.**

13. As further evidence that the DMLC Implementation Guide was distributed outside of Varian and made publicly available, the DMLC Implementation Guide was cited in at least the following: “Communication and sampling rate limitations in IMRT delivery with a dynamic multileaf collimator system” by Xia et al., published by the American Association of Physicists in Medicine in *Medical Physics* on February 21, 2002 (see p. 415) (IPR Exhibit 1020); “Dosimetric effect of respiration-gated beam on IMRT delivery” by Duan et al., published by American Association of Physicists in Medicine in *Medical Physics* on July 25, 2003 (see p. 2252) (IPR Exhibit 1021); and “QA of intensity-modulated beams using dynamic MLC log files”

other individuals. Any person that read the above mentioned third party articles could readily obtain a copy of the DMLC Implementation Guide by contacting Varian's customer service. This provides additional evidence that the DMLC Implementation Guide was publicly available at least as early as February 21, 2002, the day Xia et al. (IPR Exhibit 1020) published.

**IPR Exhibit 1005: Dynamic Beam Delivery (DBD) Toolbox User's Manual**

15. This document is a user's guide that provides information and procedures for enabling researchers to access the full conformal capabilities of Clinacs equipped with release 5 or release 6 control systems. I reviewed the document and concluded that it has been kept in the normal course of business. Accordingly, IPR Exhibit 1005 is an authentic copy of the "Dynamic Beam Delivery (DBD) Toolbox User's Manual"

16. The document version for the "Dynamic Beam Delivery (DBD) Toolbox User's Manual" is visible at the bottom right corner of the title page (an annotated copy of the title page is reproduced below). In this instance, the document version is 6.0.00, which applies to release 5 and release 6 control systems and software.

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