

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ericsson, Inc. & Telefonaktiebolaget LM Ericsson
Petitioner

v.

Intellectual Ventures
Patent Owner

Case No. Unassigned
Patent 8,897,828

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

I. INTRODUCTION

1. My name is Sylvia D. Hall-Ellis. I have been retained as an expert by Ericsson, Inc. and Telefonaktiebolaget LM Ericsson.

2. I have written this report at the request of Ericsson, Inc. and Telefonaktiebolaget LM Ericsson to provide my expert opinion regarding the authenticity and public availability of several books. My report sets forth my opinions in detail and provides the basis for my opinions regarding the public availability of these publications.

3. I reserve the right to supplement or amend my opinions, and bases for them, in response 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 normal consulting rate of \$300 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 litigation. I have no other interests in this proceeding or with any of the parties.

5. All of the materials that I considered are discussed explicitly in this declaration.

II. QUALIFICATIONS

6. I am currently an Adjunct Professor in the School of Information at San José State University. I obtained a Masters 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 forty-five 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 the field of library sciences since, holding numerous positions.

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. Currently I serve as a member of the Editorial Board for the ALCTS premier cataloging journal, *Library Resources and Technical Services*.

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 1c.

III. LIBRARY CATALOGING PRACTICES

10. I am fully familiar with the library cataloging standard known as the MARC standard, which is an industry-wide standard method of storing and organizing library catalog information.¹ MARC was first developed in the 1960’s by the Library of Congress. A MARC-compatible library is one that has a catalog consisting of individual MARC records for each of its items. Today, MARC is the primary communications protocol for the transfer and storage of bibliographic metadata in libraries.²

¹ The full text of the standard is available from the Library of Congress at <http://www.loc.gov/marc/bibliographic/>.

² Almost every major library in the world is MARC-compatible. *See, e.g., MARC Frequently Asked Questions (FAQ)*, Library of Congress, <https://www.loc.gov/marc/faq.html> (last visited August 8, 2018) (“MARC is the acronym for MACHine-Readable Cataloging. It defines a data format that emerged from a Library of Congress-led initiative that began nearly forty years ago. It provides the mechanism by which computers exchange, use, and interpret

11. A MARC record comprises several fields, each of which contains specific data about the work. Each field is identified by a standardized, unique, three-digit code corresponding to the type of data that follow. For example, a work's title is recorded in Field 245, the primary author of the work is recorded in Field 100, an item's International Standard Book Number ("ISBN") is recorded in Field 020, an item's Library of Congress call number is recorded in Field 050, and the publication date is recorded in Field 260 under the subfield "c." If a work is a periodical, then its publication frequency is recorded in Field 310, and the publication dates (e.g., the first and last publication) are recorded in Field 362, which is also referred to as the enumeration/chronology field.

12. The library that created the record is recorded in Field 040 in subfield "a" with a unique library code. When viewing the MARC record online via Online Computer Library Center's ("OCLC") Connexion database, hovering over this code with the mouse reveals the full name of the library. I used this method of "mousing over" the library codes in the OCLC database to identify the originating library for the MARC records discussed in this report. Where this "mouse over"

bibliographic information, and its data elements make up the foundation of most library catalogs used today."). MARC is the ANSI/NISO Z39.2-1994 (reaffirmed 2016) standard for Information Interchange Format.

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.