

Declaration of Sylvia Hall-Ellis, Ph.D. in Support of
Petition for *Inter Partes* Review of
U.S. Patent No. 9,349,120 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., INSTAGRAM, LLC and WHATSAPP INC.,
Petitioners

v.

BLACKBERRY LIMITED
Patent Owner

U.S. Patent No. 9,349,120 B2

Issue Date: May 24, 2016

Title: System and Method for Silencing Notifications for a Message Thread

DECLARATION OF SYLVIA HALL-ELLIS, PH.D.

Table of Contents

	Page
I. INTRODUCTION	1
II. QUALIFICATIONS	2
III. PRELIMINARIES	3
A. Scope of Declaration and Legal Standards	3
B. Persons of Ordinary Skill in the Art.....	5
C. Use of Authoritative Databases.....	5
1. Indexing	6
D. Summary of Opinions	7
IV. LIBRARY CATALOGING PRACTICES.....	7
A. MARC Records and OCLC.....	7
1. Fields 008, 005, and 955 in MARC Records as Indicators of Public Accessibility	16
V. PUBLICATIONS IN THIS PROCEEDING.....	20
A. Dallas [Exhibit 1003]	20
B. Brown [Exhibit 1004].....	24
C. Kent [Exhibit 1010].....	29
D. LeBlanc [Exhibit 1005].....	33
E. Bott [Exhibit 1007].....	37
F. Mann [Exhibit 1011]	42
VI. CONCLUSION.....	46

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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 Facebook, Inc., Instagram, LLC and WhatsApp Inc., who I am informed are petitioners to this IPR proceeding.

2. I have written this report at the request of the Petitioners to provide my expert opinion regarding the public availability of six particular books, identified below. My report sets forth my opinions in detail and provides the basis for my opinions regarding the public availability of these books.

3. I reserve the right to supplement or amend my opinions, and bases for them, 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 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 and relied upon 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 in San José, California. 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

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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 **Exhibit A**.

III. PRELIMINARIES

A. Scope of Declaration 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 documents referenced herein and on when and how each of these documents 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 documents before the dates discussed below with respect to the specific documents.

11. 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 ordinary diligence.

12. 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 printed publication is rendered

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