

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,

Petitioner,

v.

SPRING VENTURES LTD.,

Patent Owner.

Patent No. 8,661,094

DECLARATION OF JODI L. GREGORY

Pursuant to 28 U.S.C. § 1746 and 37 C.F.R. § 1.68 I, Jodi L. Gregory, the undersigned, hereby declare as follows:

(1) My name is Jodi L. Gregory. I am over 21 years of age and otherwise competent to make this declaration. I am being compensated for my time in preparing this declaration at my standard hourly rate of \$150.00/hr. My compensation is in no way contingent on the results of these or any other proceeding relating to the outcome of the concurrently filed petitions for inter partes review (“IPR”) against U.S. Patent No. 8,661,094 (“the ‘094 patent”), or any related litigation or administrative proceeding. All statements herein made of my own knowledge are true, and all statements herein made based on information and belief are believed to be true.

(2) I am the founder and President of Access Information Services, Inc., which provides customized business research and analyses. I have been the owner there since 1988. My duties include research and analysis, and I conduct workshops on Internet research. I am regularly engaged by a wide variety of companies to conduct research regarding the availability of scientific literature. In the year 2014, Access Information Services Inc. merged with Seek Information Services, an intellectual property research firm, and began doing business as Seek Services.

(3) From 1989 to 1994, I was also Manager of the Information & Analysis Center with UES Inc., a research, development, and technology creation and transfer company. My work duties there included creating and managing a centralized information resource center, managing research on over 200 companies and their competitors, and acquiring online databases, end-user tools, collection development systems, and database management systems.

(4) I have served on the Association of Independent Information Professionals' Board of Directors, and I have held the positions of President-Elect and President of the Association.

(5) A true and correct copy of my Curriculum Vitae is attached hereto as Appendix A.

Exhibit 1011

(6) I have been asked to confirm the authenticity and public accessibility prior to July, 1998 of Exhibit 1011, which is a Wired News article entitled "Web Keyword System Patented." Exhibit 1011 is a true and accurate copy of the Wired News article entitled "Web Keyword System Patented." For the reasons detailed below, based on my research in this matter, the Wired News article entitled "Web Keyword System Patented" was sufficiently publicly accessible prior to July, 1998 so that interested members of the public could have obtained the article with reasonable diligence.

(7) A search of the Internet Archive Wayback Machine shows that the Wired News article was publically available and publically accessible at least as early as December, 1998. A search utilizing the Firefox web browser, for Wired News articles that were posted in 1998 by the author Chris Oakes leads to the article entitled “Internet Keywords Patent Spat” dated July 22, 1998 authored by Chris Oakes (Ex. 1028). Scrolling to the end of this article shows previously written related stories under the title “Related Wired Links:” Included in these titles is the Wired News article entitled “Web Keyword System Patented.” Right-clicking on the link to the article reveals the original location URL as being <http://www.hotwired.com/cgi-bin/redirect/10025/%20http://www.wired.com/news/news/technology/story/13039.html>. Utilizing the Internet Archive Wayback Machine, a search for this URL reveals the updated version of the original article Wired News article entitled “Web Keyword System Patented.” Accordingly, as explained above, an interested party could have downloaded and viewed the article by clicking on the link which led to the publically accessible article at the URL www.wired.com/news/news/technology/story/13039.html.

(8) A search using the Bing search engine within the Firefox browser, searching the words in the Wired News article title provides the article entitled “Internet Search Engine Patents” in the search results. A review of this article (Ex.

1029) shows that the Wired News article was publically available and publically accessible at least as early as December 24, 1998 as the reference is dated June 17, 1998 with a link to the article which was accessible by interested parties at the URL: <http://www.wirednews.com/news/technology/0,1282,13039,00.html>.

Exhibit 1012

(9) I have researched the reference identified as “RFC 882” and have spoken with Heather Flanagan, the current RFC Series Editor to confirm my understanding as to the accessibility of RFCs. A Request for Comment or “RFC” was typically authored by engineers and computer scientists in the form of a memorandum describing methods, behaviors, research, or innovations applicable to the working of the Internet and Internet-connected systems. A RFC was submitted either for peer review or simply to convey new concepts or information. The purpose of a published RFC was to elicit public input on matters of technical functionality, especially as it related to Internet and web-based communications. The first RFC was written by Stephen Crocker of the Network Working Group at the University of California, Los Angeles on April 7th, 1969. From the beginning, RFCs were shared freely with official standards bodies, manufacturers, and vendors, other working groups, and universities. In the 1980's, the people who edited and published RFCs were at USC-ISI, these experts included Stephen Crocker and Jon Postel. Interested parties who wanted a RFC could write to Jon

Postel (then the RFC Editor) and get copies via email or FTP. There were no restrictions on them, so anyone could access and retrieve such documents.

" Jon left SRI in 1976 to join USC-ISI, but by that time the die was cast, and the RFCs, NWG, Liaison, and the NIC were part of the network's way of doing business. However, the SRI NLS Journal system was becoming too big for its host computer and could not handle the number of users trying to access it. Email and FTP had been implemented by now, so the NIC developed methodology for delivering information to users via distributed information servers across the network. A user could request an RFC by email from his host computer and have it automatically delivered to his mailbox. Users could also purchase hardcopy subscriptions to the RFCs and copies of the Protocol Handbook, if they did not have network access." - RFC2555, page 13

(10) None of the RFCs were ever or have ever been restricted in dissemination or classified for use only by certain viewers. RFCs were never amended. Rather, updates were made by creating an entirely new RFC with a new number. Exhibit 1012, is identical to the one published online, available to the public and authored by Paul Mockapetris in November, 1983.

Exhibit 1021

(11) I have been asked to confirm the public accessibility prior to January 30, 1998 of Exhibit 1021, which is an excerpt from the book identified as: Seltzer, et al., “The AltaVista Search Revolution” (1997).

(12) I confirm that Exhibit 1026 is a true and accurate copy of the MARC cataloging record that appears in the UCLA Library catalog. The entry field indicates that Seltzer, et al., “The AltaVista Search Revolution” (1997) was catalogued in “1997” (i.e., prior to January 30, 1998). Upon information and belief, and based on my discussions with a representative from the UCLA library and my experience, the cataloging record informs me that Seltzer, et al., “The AltaVista Search Revolution” (1997) was cataloged on that date and was available to the public. The MARC standards used when cataloging books in a library collection define three aspects of a MARC record: the field designations within each record, the structure of the record, and the actual content of the record itself. Each field in a MARC record provides particular information about the item the record is describing, such as the author, title, publisher, date, language, media type, etc. MARC uses a simple three-digit numeric code (from 001-999) to identify each field in the record. MARC defines field 100 as the primary author of a work, field 245 as the title and field 260 as the publisher, for example. Fields above 008 are further divided into subfields using a single letter or number designation. The 260, for example, is further divided into subfield “a” for the place of publication, “b”

for the name of the publisher, and “c” for the date of publication. Marc Tags to consider when verifying origin and dates include 008/00-05: “The date on which a record is first entered into machine-readable form is contained in field 008/00-05. The Date entered on file never changes.” The UCLA library has confirmed with me that the book Seltzer, et al., “The AltaVista Search Revolution,” was publicly available in their library in 1997. It is also my understanding that it was the UCLA library policy to permit all members of the public to access books in its collection. Further, Seltzer, et al., “The AltaVista Search Revolution” was sufficiently publicly accessible prior to January 30, 1998 so that interested members of the public could have obtained the book with reasonable diligence.

Exhibit 1022

(13) I have been asked to confirm the public accessibility prior to January 30, 1998 of Exhibit 1022, which is the InfoWorld article by Serg Koren entitled “EchoSearch 2.0 finds just what you’re looking for”. Exhibit 1022 is a true and accurate copy of the InfoWorld article. For the reasons detailed below, based on my research in this matter, the InfoWorld article was sufficiently publicly accessible prior to January 30, 1998 so that interested members of the public could have obtained the article with reasonable diligence.

(14) In addition to being made available on the www.infoworld.com website, this article has been archived in the online database Factiva. Factiva is a

database of licensed content from seasoned Dow Jones journalists and the world's top media outlets, trade and consumer publications and business Web sites. As one service, Factiva provides modern day access to true and accurate copies of historical Infoworld articles. My experience with the Factiva database enables me to state that the Infoworld article entitled "EchoSearch 2.0 finds just what you're looking for" would have been available via Factiva as of the date on the article, May 19, 1997 such that interested members of the public could have accessed and viewed the article with reasonable diligence. I have retrieved a copy of the InfoWorld article from Factiva and attached it as Ex. 1027. The content is a true and accurate version of the InfoWorld article.

(15) Moreover, the InfoWorld article by Serg Koren entitled "EchoSearch 2.0 finds just what you're looking for" has been archived by Google News. The Google News Archive contains digitized issues of hundreds of newspapers and magazines. A search for the InfoWorld article using the Google search engine leads to this URL leading directly to the page with the article entitled "EchoSearch 2.0 finds just what you're looking for":

<https://books.google.com/books?id=zDsEAAAAMBAJ&pg=PA86->

[IA4&lpg=PA86-](https://books.google.com/books?id=zDsEAAAAMBAJ&pg=PA86-)

[IA4&dq=infoworld+echo+search&source=bl&ots=QlIGxb0nwY&sig=EJrSKiuH](https://books.google.com/books?id=zDsEAAAAMBAJ&pg=PA86-IA4&dq=infoworld+echo+search&source=bl&ots=QlIGxb0nwY&sig=EJrSKiuH)

[B1T1cE9BmE8A1JJQMk8&hl=en&sa=X&ved=0ahUKEwi1nOns2srUAhUCZj4](https://books.google.com/books?id=zDsEAAAAMBAJ&pg=PA86-IA4&dq=infoworld+echo+search&source=bl&ots=QlIGxb0nwY&sig=EJrSKiuHB1T1cE9BmE8A1JJQMk8&hl=en&sa=X&ved=0ahUKEwi1nOns2srUAhUCZj4)

[KHb8CB7cQ6AEINzAC#v=onepage&q=infoworld%20echo%20search&f=false](https://www.google.com/search?q=infoworld%20echo%20search&f=false&v=onepage&KHb8CB7cQ6AEINzAC#v=onepage&q=infoworld%20echo%20search&f=false).

Google News indicates that this article was published on May 19, 1997. Exhibit 1035 is a copy of the article as retrieved from Google News.

Exhibit 1032

(16) I have been asked to confirm the authenticity and public accessibility prior to January 30, 1998 of Exhibit 1032, which is the 1997 IATUL (International Association of Technological University Libraries) Conference Proceedings paper entitled “New Types of Services and Documents in the Internet, and Their Impact on Information Transfer 2” authored by Paul Nieuwenhuysen. Exhibit 1032 is a true and accurate copy of the content of the 1997 conference proceeding paper. For the reasons detailed below, based on my research in this matter, the 1997 IATUL conference proceeding paper “New Types of Services and Documents in the Internet, and Their Impact on Information Transfer 2” was sufficiently publicly accessible prior to January 30, 1998 so that interested members of the public could have obtained the publication with reasonable diligence.

(17) A search for the 1997 IATUL proceedings shows this paper and presentation as having been on the schedule for the 1997 conference at this URL: <http://docs.lib.purdue.edu/iatul/1997/papers/>. Initially the paper was available on the IATUL website. A librarian at Purdue Library verified that in 2012, the IATUL transferred the conference proceeding documents to the Purdue Libraries

epub division where it is now located. In addition to being made available on the IATUL website, it was also available from the National Library of Australia. The National Library of Australia's search interface named Trove at the URL: <http://trove.nla.gov.au/work/9476251?selectedversion=NBD14247633>, provided access to the IATUL Conference proceedings from 1996-1997. Additional details show that the proceedings were published for IATUL by Chalmers University of Technology Library in Sweden. Notes in the record indicate that these proceedings were also issued online on the Web.

(18) In addition, a Wayback Machine search utilizing the link to the conference program shows that the paper entitled "New Types of Services and Documents in the Internet, and Their Impact on Information Transfer 2" was presented on Thursday, July 3rd, 1997 at 9:00 am during Session IV Networked Information Services. (See Ex. 1034.) The conference program indicates that proceedings were to be issued after the conference and abstracts were to be mounted on the IATUL website.

(19) In signing this declaration, I understand that the declaration will be filed as evidence in a review proceeding before the Patent Trial and Appeal Board of the U.S. Patent and Trademark Office. I acknowledge that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross

examination within the United States during the time allotted for cross examination.

(20) These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the results of these proceedings.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of June, 2017.


Jodi L. Gregory

APPENDIX A

Jodi Gregory

Seek Services

Phone: (937) 303-7335

Email: jgregory@seekinfo.com

CAREER FOCUS

Twenty years of project management managing a successful investigative research and analysis practice.

PROFESSIONAL EXPERIENCE

Owner, Seek Services

- Locate intelligence and insights hidden from plain view.
 - Use proprietary technologies to sift through vast amounts of information to distill and deliver the information which drives clients' business decisions.
 - Conduct investigative interviews with experts
 - Perform background investigations utilizing social media including Twitter, LinkedIn, Facebook, Instagram and other social media platforms.
 - Create & implement social media marketing campaigns
- With Johnson & Johnson
 - Managed Strategic Marketing Group
 - Created the Radar Screen™, which provided daily, narrowly-focused intelligence briefings specific to the needs of executive management, monitoring over 600 news stories and clinical research studies each day which lead to increased business development opportunities.
 - Worked cross-functionally with marketing, business development and sales to ensure overall cohesiveness with marketing strategies.
 - With Hewlett Packard:
 - Provide targeted, relevant results, leveraging existing knowledge, which reduces their project cycle times.
 - Was successful in quantifying a difficult to quantify market helping regional sales to identify the right target market. This led to their ability to generate higher volumes as well as allowing them to penetrate the industry more quickly.
 - With Boston Scientific:
 - Provide research support to Knowledge Resources department by conducting medical/clinical literature searches to support marketing and regulatory departments.
 - Provide daily, narrowly-focused intelligence briefings specific to the needs of executive management and company stakeholders, monitoring over 600 news stories.
 - With Time Inc. Consumer Research & Insights
 - Provide research and analytical insights on markets such as retail, luxury, apparel, furnishings, outdoor, which have increased their sales and reduced their non-winning proposals.
 - With Procter & Gamble
 - Provided consumer products division with strategic insight that shaped how P&G defined their opportunities and tactical plans with food & beverage, laundry & cleaning, paper products and personal care products.
 - With Fuld + Company
 - Supported company analysts, who are responsible for strategic consulting with Global 1000 clients to identify and solve tactical and strategic challenges, with competitive intelligence research and analysis
 - With Oblon ~ Paul Hastings ~ Haynes & Boone ~ Akin Gump ~ Finnegan, Henderson, Farabow, Garrett & Dunner, LLP Attys At Law
 - Provide research for litigation support with a focus on intellectual property, probate and entertainment law.

Project Manager

UES Information & Analysis Group

- Created and managed the centralized information resource center providing virtual reference services and business and military analysis to the US Air Force Materiel Command. Required Secret clearance.
- Coordinated the implementation of a business intelligence tracking system to manage Military intelligence gathered on over 200 companies and projects per year to assist in developing technology transfer and SBIR opportunities.
- Led the quality improvement efforts by co-developing process maps for all critical data gathering functions which resulted in the award of additional contracts from other military branches.

Account Development Executive

Lexis-Nexis

- Hired for expertise in the healthcare field to assist and train attorneys in the retrieval of research needed for medical malpractice cases.
- Using a consultative selling approach, increased the development and growth of Nexis & Lexis accounts by encouraging clients to escalate their use the Lexis-Nexis search capability.
- Conducted customized Lexis-Nexis training sessions, both public and private, developed training and was a source of customer and competitive product support for current Lexis-Nexis clientele.
- Created new competitive product evaluations and distribution of information to sales team.

Legal Assistant

NJL Paraegal Services

- Conducted factual and legal research, drafted legal documents, worked with clients, and managed cases.

EDUCATION & AFFILIATIONS

- ♦ BS in progress Information Technology/Capital University
- ♦ Monthly columnist for *Cyberskeptic's Guide to Internet Research* published by Information Today
- ♦ Special Library Association
- ♦ Strategic and Competitive Intelligence Professionals-SCIP
- ♦ Past President, Association of Independent Information Professionals
- ♦ Manager, IPX, Business intelligence information professionals exchange on LinkedIn
- ♦ Served as adjunct faculty member, Allied Health Informatics at Sinclair College
- ♦ AS / Health Information Management, *Sinclair College*

TESTIMONIALS

I contracted Jodi's services for over a year and was always impressed with how she would "own" the project or task. In a nuanced industry, there are often many iterations or changes are needed, and Jodi was just as enthusiastic with each "round." She would offer insight based on experience, but also understood when context demanded a contradictory approach. I would not hesitate to reach out to Jodi for future research needs.

~ April Baglole, Boston Scientific

Getting to know "what" Jodi does for a living was incredible. Watching "how" she does her work and seeing the results of her efforts is just as amazing – but understanding the reason "why" she does what she does is where the magic really is found. I highly recommend Jodi for any data research and analysis. Her ability to understand my goals and then deliver factual evidence is amazing. Feel free to contact me directly for more details or for a personal introduction. Get to know Jodi! -- SL" October 18, 2011

~ Steve Lopez, SL & Associates

- Consistently provides high-quality research results.....in the agreed-upon timeframe—including rushes!
- Thinks 'outside the box'...creative and goes "way beyond the literal straightforward approach."
- Willing to use a variety of formats, including those of business partners and process documentation.

- "Jodi did a great job on the market for {confidential}. It's a difficult one to quantify, but the business partner said: 'It will definitely help regional sales to identify the right target market and generate higher volumes as well as penetrating this industry faster. Thank you for the great job.'"
- Extremely personable and easy to work with.
- Asks good questions to be clear on the essential elements of the research needed.
- Willing to work directly with business partners to scope requests and prioritize information.
- Excellent at calling individuals, associations, groups to get information, increasing the value of results.
- A great colleague, willing to do "whatever it takes"
- Thanks so much for the report provided and all the time and effort invested in this research. I really appreciate your work and the confirmation that the information is not available out there.
- It was a pleasure working with you.
- Analysis is continuously being utilized with the company which according to client "is a testament to the quality of the synthesis and summarization".
- Client quote "I especially like how Jodi identifies market drivers, trends, information gaps, top companies and their products, recommendations, selected experts, and key publications in the field so that the business partner has a head start in staying up-to-date in a new field for our company".
- Excellent at contacting various groups to get information, increasing the value of results.

~Hewlett-Packard Analysts

I felt during the time we have worked together, Jodi demonstrated a deep knowledge in the healthcare industry which was important to us for gathering the information needed. Her knowledge allows her to ask effective follow-up questions, which helped with the depth of the analysis. She is also very effective in finding useful information and identifying specific people we needed to contact. I was particularly impressed that Jodi was able to get to the leader of the Urgent Care Association and gathered very useful intelligence.

~ David Miller, Healthcare Strategy Group

Jodi was able to listen closely to me, distill down exactly what I needed for the project, then send me the most relevant information—all within a great turnaround and at a price within my budget. The result is: My client was super-impressed with this research, which made me look good! Her firm is going to be my only source for the hard-to-find research when I need it. I could not ask for anything more.

~ Preston Smith, Business Intelligence Services

Data charmer for the greater good! Jodi is such a pleasure to work with that we are constantly trying to find new ways to connect. She's been particularly wonderful finding the most elusive data surrounding green marketing research. She tickles me pink (inside joke) with her light hearted approach to very serious work.

~ Wendy Cobrda, Gannett/USA TODAY Network Business Intelligence Director

I find this very valuable. {Regarding the Radar Screen at Johnson & Johnson}

~ FV, Johnson & Johnson Australia

Thanks, Jodi. Your Radar Screen has been a great help to me in getting up to speed in some of the new areas I've been exposed to recently. Best of luck to you in your next projects!

~ TT, Ethicon-Endosurgery

Jodi, you have definitely provided a service I have used and quoted many times.

~ RB, Ethicon-Endosurgery

Thanks, Jodi. You have done a great job.

~ GL, Ethicon-Endosurgery

Jodi, Thank you for providing this excellent service – it has given us a great window into events in the US medical scene.

~ BA (and the team Down Under), Johnson & Johnson Australia

Jodi, Your work in providing the Radar Screen has been extremely valuable for many, many people – especially me. It is very informative and really well done. Thank you for your efforts.

~ RH, Breast Care Mangement Research & Development, Ethicon-Endosurgery

This is a fantastic service you have been providing. It has been great!

~ MC, Johnson & Johnson Canada