

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDIVIS, INC.
Petitioner

v.

NOVARAD CORP.
Patent Owner

Inter Partes Review No. IPR2023-00042
US Patent No. 11,004,271

Inter Partes Review No. IPR2023-00045
US Patent No. 10,945,807

DECLARATION OF CHRISTOPHER FRAISER

Declaration of Christopher Fraiser

1. I, Christopher Fraiser, am a senior litigation paralegal at the law firm of McCarter & English, LLP.

2. I received a Bachelor's degree from the University of Southern Mississippi in 2002, and since my graduation I have worked in various law firm support positions. I have worked as a paralegal for McCarter & English, LLP for more than 16 years.

3. I have significant experience collecting and managing documents for use in litigation, including using specialized software to capture and authenticate internet-based evidence.

4. In particular, I have experience using Page Vault software and the Internet Archive to capture and authenticate internet content for the purpose of litigation.

Page Vault Background

5. Page Vault is a cloud-based service licensed by McCarter & English and often utilized by myself and other McCarter & English employees for the purpose of authenticating web content to be used as evidence in litigation.

6. The Page Vault service allows me to make captures of web content, including webpages, and restricts me from modifying the content, accessing or modifying the webpage's source code, installing browser plugins, or otherwise altering the contents of a webpage.

7. These captures include the web content for a specified URL along with the associated metadata, and they are digitally signed and hashed.

Page Vault Captures

8. On May 15, 2023, I executed a Page Vault capture of the URL:
<https://www.slicer.org/wiki/Documentation/4.6/SlicerApplication/MainApplicationGUI>.

9. A true and correct copy of that capture is attached hereto at Exhibit 1016.

10. On May 15, 2023, I executed a Page Vault capture of the URL:
<https://www.slicer.org/wiki/Documentation/4.x/Acknowledgments>.

11. A true and correct copy of that capture is attached hereto at Exhibit 1017.

12. On May 15, 2023, I executed a Page Vault capture of the URL:
https://www.slicer.org/wiki/Release_Details#Slicer_4.6.0.

13. A true and correct copy of that capture is attached hereto at Exhibit 1018.

14. On May 16, 2023, I executed a Page Vault capture of the first page of the google search that appears at

[https://www.google.com/search?q=3d+visualization+training+at+surgical+planning+laboratory&rlz=1C5CHFA_enUS873US873&tbs=cdr%3A1%2Ccd_min%3A1%2F1%2F2012%2Ccd_max%3A12%2F31%2F2014&sxsrf=APwXEdeXiROhSipUuNDyQ0v4KbY690zyrA%3A1684179975820&ei=B4xiZLTVMYas5NoP69mm4A4&oq=3D&gs_lcp=Cgxnd3Mtd2l6LXNlcuAQAQARgBMgQIIxAnMgQIIxAnMgQIABCKBRCRAjIHCAAQigUQQzIHCAAQigUQQzIHCAAQigUQQzIHCAAQigUQQzIHCAAQigUQQzIKCAAQigUQsQMQQzoICAAQogQsAM6DgguEIofEMcBENEDEJECOGUIABCABDoLCC4QgAQQsQMQgwE6CwgAEIoFELEDEIMBOgsIABCABBcxAXCDAUoECEEYAVDqyAFYqM0BYLTmAWgHcAB4AIABeYgB0gGSAQMxLjGYAQCgAQHIAQTAAQE&sclient=gws-wiz-serp.](https://www.google.com/search?q=3d+visualization+training+at+surgical+planning+laboratory&rlz=1C5CHFA_enUS873US873&tbs=cdr%3A1%2Ccd_min%3A1%2F1%2F2012%2Ccd_max%3A12%2F31%2F2014&sxsrf=APwXEdeXiROhSipUuNDyQ0v4KbY690zyrA%3A1684179975820&ei=B4xiZLTVMYas5NoP69mm4A4&oq=3D&gs_lcp=Cgxnd3Mtd2l6LXNlcuAQAQARgBMgQIIxAnMgQIIxAnMgQIABCKBRCRAjIHCAAQigUQQzIHCAAQigUQQzIHCAAQigUQQzIHCAAQigUQQzIHCAAQigUQQzIHCAAQigUQQzIKCAAQigUQsQMQQzoICAAQogQsAM6DgguEIofEMcBENEDEJECOGUIABCABDoLCC4QgAQQsQMQgwE6CwgAEIoFELEDEIMBOgsIABCABBcxAXCDAUoECEEYAVDqyAFYqM0BYLTmAWgHcAB4AIABeYgB0gGSAQMxLjGYAQCgAQHIAQTAAQE&sclient=gws-wiz-serp.)

15. A true and correct copy of this capture is attached hereto at Exhibit 1019.

Wayback Machine Background

16. I also have experience using the Internet Archive’s “Wayback Machine” to capture versions of websites as they were available on certain dates in history.

17. It is my understanding that the Internet Archive is a website that provides access to a digital library of Internet sites and other cultural artifacts in digital form. See <https://archive.org/about>; <https://archive.org/legal/affidavit.php>.

18. I further understand that the Internet Archive has created a service known as the Wayback Machine. It is my understanding that the Wayback Machine makes it possible to browse billions of web pages stored in the Internet Archive's web archive. Users of the Wayback Machine can search archives by URL (i.e., a website address). If archived records for a URL are available, the user will be presented with a display of available dates. The user may select one of those dates, and begin browsing an archived version of the Web.

19. According to the Internet Archive, the archived data made viewable and browseable by the Wayback Machine is obtained by use of web archiving software that automatically stores copies of files available via the Internet, each file preserved as it existed at a particular point in time.

20. It is my further understanding that the Internet Archive assigns a URL on its site to the archived files in the format [http://web.archive.org/web/\[Year in yyyy\]\[Month in mm\]\[Day in dd\]\[Time code in hh:mm:ss\]/\[Archived URL\]](http://web.archive.org/web/[Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]/[Archived URL]) aka an "extended URL". Thus, the extended URL <http://web.archive.org/web/19970126045828/http://www.archive.org/> would be the URL for the record of the Internet Archive home page HTML file (<http://www.archive.org/>) archived on January 26, 1997 at 4:58 a.m. and 28 seconds (1997/01/26 at 04:58:28).

21. A web browser may be set such that a printout from it will display the URL of a web page in the printout's footer. The date indicated by an extended URL applies to a preserved instance of a file for a given URL.

22. I have also reviewed Exhibit 1024, the Declaration of Internet Archive Records Request Processor Nathaniel E. Frank-White including its attached copy of the Wayback Machine archived record of URL <https://web.archive.org/web/20121004141444/http://www.amira.com/images/stories/pdf/522/AmiraUsersGuide.pdf>.

23. I compared Exhibit 1005 of IPR2023-00042 to part of Exhibit 1024. Based on that comparison, I confirm that pages 6 through 122 of Exhibit 1024 are the same as pages 1 through 117 of Exhibit 1005 of IPR2023-00042 except for what appears to be added exhibit markings.

24. Therefore, based on my experience and understanding as discussed above, in my opinion, Exhibit 1005 of IPR2023-00042, the Amira 5 User Guide, was available to interested people as of at least October 4, 2012.

25. I compared the document filed as Exhibit 1005 in IPR2023-00042 with the document filed as Exhibit 1005 in IPR2023-00045, and found no difference.

26. I compared Exhibit 1005 of IPR2023-00045 to part of Exhibit 1024. Based on that comparison, I confirm that pages 6 through 122 of Exhibit 1024 are the same as pages 1 through 117 of Exhibit 1005 of IPR2023-00042 except for what appear to be added exhibit markings.

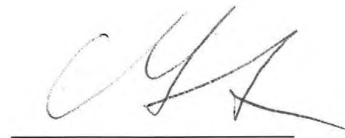
27. Therefore, based on my experience and understanding as discussed above, in my opinion, Exhibit 1005 of IPR2023-00045, the Amira 5 User Guide, was available to interested people as of at least October 4, 2012.

Inter Partes Review No. IPR2023-00042
Inter Partes Review No. IPR2023-00045

US Patent No. 11,004,271
US Patent No. 10,945,807

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that 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 § 1001 of Title 18 of the United States Code.

Executed on the 22d of May, 2023.

A handwritten signature in dark ink, appearing to read 'CF', is written above a horizontal line.

Christopher Fraiser