

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BMW of North America, LLC

Mercedes-Benz USA, LLC,

Petitioners,

v.

Michigan Motor Technologies, LLC

Patent Owner.

IPR2023-01234

**DECLARATION OF SYLVIA D. HALL-ELLIS, PH.D.
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 6,558,260**

Mail Stop PATENT BOARD

Patent Trial and Appeal Board

United States Patent and Trademark Office

PO Box 1450

Alexandria, Virginia 22313-1450

*Submitted Electronically via the Patent Trial and Appeal Board End to End
System*

I. INTRODUCTION

I, Sylvia D. Hall-Ellis, Ph.D., declare as follows:

1. I have been retained on behalf of BMW of North America, LLC (“BMW NA”) for the above-captioned *inter partes* review proceeding to provide my expert opinion regarding the authenticity and public availability of a book. My report sets forth my opinions in detail and provides the basis for my opinions regarding the public availability of this publication.

2. 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.

3. I am being compensated for my time spent working on this matter at my normal consulting rate of \$350 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.

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

II. QUALIFICATIONS

5. 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 50-plus 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.

6. 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 Founding 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, a member of the REFORMA National Board of Directors, and a member of the Editorial Board for the ALCTS premier cataloging journal, *Library Resources and Technical Services*, a Co-Chair of the Membership Committee for the Library Research Round Table (LRRT), and a member of the LRRT Nominating Committee.

7. 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.

8. My full curriculum vitae is attached hereto as Exhibit 1010.

III. PRELIMINARIES

A. Scope of this Declaration

9. 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 October 24, 2000, which is the filing date of U.S. Patent No. 6,588,260.

10. I am informed by counsel that an item is considered authentic if there is sufficient evidence to support a finding that the item is what it is claimed to be. I am also informed that authenticity can be established based on the contents of the documents themselves, such as the appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all of the circumstances. I am further informed that an item is considered authentic if it at least 20 years old, in a condition that creates no suspicion of its authenticity, and in a place where, if authentic, it would likely be. Lastly, I have been informed that a

document's authenticity can be established by comparison with an authentic specimen.

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 "publicly accessible" if it is cataloged and indexed by a library such that a person interested in the relevant subject matter could locate it. That is, I understand that cataloging and indexing by a library is sufficient, although there are other ways that a printed publication may qualify as publicly-accessible. One manner of sufficient indexing is indexing according to subject matter category. I understand that the cataloging and indexing by a single library of a single instance of a particular printed publication is sufficient, even if the single library is in a foreign country. I understand that, even if access to a library is restricted, a printed publication that has been cataloged and indexed therein is publicly-accessible so long as a presumption is raised that the portion of the public concerned with the relevant subject matter would know of the printed publication. I also understand that the cataloging and indexing

of information that would guide a person interested in the relevant subject matter to the printed publication, such as the cataloging and indexing of an abstract for the printed publication, is sufficient to render the printed publication publicly accessible.

13. I understand that routine business practices, such as general library cataloging and indexing practices, can be used to establish an approximate date on which a printed publication became publicly accessible.

B. Persons of Ordinary Skill in the Art

14. I am told by counsel that the subject matter of this proceeding generally relates to the throttle control systems, and more specifically, to detecting a problem with a throttle control systems.

15. I have been informed by counsel that a “person of ordinary skill in the art at the time of the inventions” is a hypothetical person who is presumed to be familiar with the relevant field and its literature at the time of the inventions. This hypothetical person is also a person of ordinary creativity, capable of understanding the scientific principles applicable to the pertinent field.

16. I am told by counsel that persons of ordinary skill in this subject matter or art would have had a B.S. degree in Electrical Engineering or Mechanical Engineering (or equivalent), as well as at least 2-4 years of academic or industry experience in the relevant field of throttle control systems.

17. It is my opinion that such a person would have been engaged in research, learning through study and practice in the field and possibly through formal instruction the bibliographic resources relevant to his or her research. In the time before the filing date of the '260 patent, such a person would have had access to a vast array of long-established print resources in the field of throttle control systems, as well as, to a rich set of online resources providing indexing information, abstracts, and full text services for throttle control systems.

C. Authoritative Databases

18. In preparing this report, I used authoritative databases, such as the OCLC WorldCat, the Library of Congress Online Catalog, ResearchGate, CiteSeerX, Google Scholar, Scopus, and the U.S. Copyright Office Online Catalog, to confirm citation details of the various publications discussed.

19. *U. S. Copyright Office*. Created by Congress in 1897, the Copyright Office is responsible for administering a complex and dynamic set of laws, which include registration, the recordation of title and licenses, a number of statutory licensing provisions, and other aspects of the *1976 Copyright Act* and the *1998 Digital Millennium Copyright Act*. The public catalog in the Copyright Office includes information filed since 1978. Individuals can search by title, personal or corporate name, key word, registration number, and document number. Works filed

before 1978 can be located through the Copyright Public Records Reading Room.¹ A researcher can find the date on which an item was published and deposited for copyright.

20. *OCLC Bibliographic Database*. The OCLC was created “to establish, maintain and operate a computerized library network and to promote the evolution of library use, of libraries themselves, and of librarianship, and to provide processes and products for the benefit of library users and libraries, including such objectives as increasing availability of library resources to individual library patrons and reducing the rate of rise of library per-unit costs, all for the fundamental public purpose of furthering ease of access to and use of the ever-expanding body of worldwide scientific, literary and educational knowledge and information.”² Among other services, OCLC and its members are responsible for maintaining the WorldCat database,³ used by independent and institutional libraries throughout the world.

¹ <https://www.copyright.gov/circs/circ23.pdf>.

² Third Article, Amended Articles of Incorporation of OCLC Online Computer Library Center, Incorporated (available at <https://www.oclc.org/content/dam/oclc/membership/articles-of-incorporation.pdf>)

³ <http://www.worldcat.org/>.

D. Indexing

21. A researcher may discover material relevant to his or her topic in a variety of ways. One common means of discovery is to search for relevant information in an index of periodical and other publications. Having found relevant material, the researcher will then normally obtain it online, look for it in libraries, or purchase it from the publisher, a bookstore, a document delivery service, or other provider. Sometimes, the date of a document's public accessibility will involve both indexing and library date information. However, date information for indexing entries is often unavailable. This is especially true for online indices.

22. Indexing services use a wide variety of controlled vocabularies to provide subject access and other means of discovering the content of documents. The formats in which these access terms are presented vary from service to service.

23. Before the widespread development of online databases to index articles in journals, magazines, conference papers, and technical reports, libraries purchased printed volumes of indices. Graduate library school education mandated that students learn about the bibliographic control of disciplines, the prominent indexing volumes, and searching strategies required to use them effectively and efficiently. Half of the courses that I studied in library school were focused on the bibliography and resources in academic disciplines.

24. Librarians consulted with information seekers to verify citations, check availability in union catalogs, printed books catalogs, and the OCLC database, and make formal requests for materials, *e.g.*, books, conference proceedings, journal articles. Requests were transmitted using Telex machines, rudimentary email systems, and the United States Postal Service. During my career, I have performed and supervised staff who handled these resource sharing tasks.

25. A major firm known for the breadth of subjects and comprehensive treatment in the preparation of index volumes, the H. W. Wilson Company offered these reference resources since the firm was founded in 1898. The *Reader's Guide to Periodical Literature* is one of the best-known titles available from H. W. Wilson. Each volume includes a comprehensive index for 300 of the most popular and important periodicals published in the United States and Canada. Information seekers have subject access expressed in plain language terminology, author access, and cross references to find the desired results from their searches. The family of index titles included *Science & Technology Index*, *Business Periodicals*, *Applied Science & Technology Index*, *Humanities Index*, *Biological & Agricultural Index*, and *Industrial Arts Index*. These printed indices have been superseded by digital database offerings available to information seekers through Ebsco.

26. Online indexing services commonly provide bibliographic information, abstracts, and full-text copies of the indexed publications, along with a list of the

documents cited in the indexed publication. These services also often provide lists of publications that cite a given document. A citation of a document is evidence that the document was publicly available and in use no later than the publication date of the citing document.

IV. LIBRARY CATALOGING PRACTICES

A. Machine-Readable Cataloging (MARC) Standard

27. 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.⁴ MARC was first developed in the 1960s 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.⁵

⁴ The full text of the standard is available from the Library of Congress at <http://www.loc.gov/marc/bibliographic/>.

⁵ 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 December 12, 2019) (“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 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.

28. Since at least the early 1970s and continuing to the present day, MARC has been the primary communications protocol for the transfer and storage of bibliographic metadata in libraries.⁶ As explained by the Library of Congress:

You could devise your own method of organizing the bibliographic information, but you would be isolating your library, limiting its options, and creating much more work for yourself. Using the MARC standard prevents duplication of work and allows libraries to better share bibliographic resources. Choosing to use MARC enables libraries to acquire cataloging data that is predictable and reliable. If a library were to develop a “home-grown” system that did not use MARC records, it would not be taking advantage of an industry-wide standard whose primary purpose is to foster communication of information.

Using the MARC standard also enables libraries to make use of commercially available library automation systems to manage library operations. Many systems are available for libraries of all sizes and are designed to work with the MARC format. Systems are maintained and improved by the vendor so that libraries can benefit from the latest advances in computer technology. The

⁶ A complete history of the development of MARC can be found in *MARC: Its History and Implications* by Henrietta D. Avram (Washington, DC: Library of Congress, 1975) and available online from the Hathi Trust (<https://babel.hathitrust.org/cgi/pt?id=mdp.39015034388556;view=1up;seq=1>; last visited July 5, 2023).

MARC standard also allows libraries to replace one system with another with the assurance that their data will still be compatible.

Why Is a MARC Record Necessary? LIBRARY OF CONGRESS,
<http://www.loc.gov/marc/umb/um01to06.html#part2> (last visited December 12, 2019).

29. Thus, 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 July 5, 2023) (“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 fifty years ago. It provides the mechanism by which computers exchange, use, and interpret bibliographic information, and its data elements make up the foundation of most library catalogs used today.”). MARC is the ANSI/NISO Z39.2-1994 standard (reaffirmed in 2016) for Information Interchange Format. The full text of the standard is available from the Library of Congress.⁷

30. 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

⁷ <http://www.loc.gov/marc/bibliographic/>.

is recorded in field 245, the primary author or creator of the work is recorded in field 100, an item's International Standard Book Number ("ISBN") is recorded in field 020, an item's International Standard Serial Number ("ISSN") is recorded in field 022, 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." *Id.*⁸ If a work is a periodical, then its publication frequency is recorded in field 310, alternate publication frequency is recorded in field 321, 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.⁹

31. MARC records also include several fields that include subject matter classification information. An overview of MARC record fields is available through the Library of Congress website.¹⁰ For example, 6XX fields are termed "Subject Access Fields."¹¹ Among these, for example, is the 650 field; this is the "Subject Added Entry – Topical Term" field.¹² The 650 field is a "[s]ubject added entry in which the entry element is a topical term." *Id.* These authenticated subject entries

⁸ In some MARC records, field 264 is used rather than field 260 to record publication information. See <http://www.loc.gov/marc/bibliographic/bd264.html> (last visited July 5, 2023) ("Information in field 264 is similar to information in field 260 (Publication, Distribution, etc. (Imprint)). Field 264 is useful for cases where the content standard or institutional policies make a distinction between functions").

⁹ <http://www.loc.gov/marc/bibliographic/bd3xx.html>.

¹⁰ <http://www.loc.gov/marc/bibliographic/>.

¹¹ <http://www.loc.gov/marc/bibliographic/bd6xx.html>

¹² <http://www.loc.gov/marc/bibliographic/bd650.html>.

“are assigned to a bibliographic record to provide access according to generally accepted thesaurus-building rules (*e.g.*, *Library of Congress Subject Headings* (LCSH), *Medical Subject Headings* (MeSH)).” *Id.*

32. Further, MARC records include call numbers, which themselves indicate a subject and physical location within the library collections. For example, the 050 field is the “Library of Congress Call Number.”¹³ A defined portion of the Library of Congress Call Number is the classification number, and “source of the classification number is *Library of Congress Classification* and the *LC Classification-Additions and Changes*.” *Id.* Thus, included in the 050 field is a subject matter classification. Each item in a library has a single classification number. A library selects a classification scheme (*e.g.*, the Library of Congress Classification scheme just described or a similar scheme such as the Dewey Decimal Classification scheme or the National Library of Medicine Classification scheme) and uses it consistently. When the Library of Congress assigns the classification number, it appears as part of the 050 field. If a local library assigns the classification number, it appears in a 090 field. In either scenario, the MARC record includes a classification number that represents a subject matter classification.

¹³ <http://www.loc.gov/marc/bibliographic/bd050.html>.

33. Each item in a library has a single classification number. A library selects a classification scheme (*e.g.*, the Library of Congress Classification scheme just described or a similar scheme such as the Dewey Decimal Classification scheme) and uses it consistently. When the Library of Congress assigns the classification number, it appears as part of the 050 field, as discussed above. For MARC records created by libraries other than the Library of Congress (*e.g.*, a university library or a local public library), the classification number may appear in a 09X (*e.g.*, 090) field.¹⁴

34. OCLC provides its members online access to MARC records through its OCLC bibliographic database. When an OCLC member institution acquires a work, it creates a MARC record for this work in its computer catalog system in the ordinary course of its business. MARC records created at the Library of Congress were initially tape-loaded into the OCLC database through a subscription to MARC Distribution Services daily or weekly. Once the MARC record is created by a cataloger at an OCLC member institution or is tape-loaded from the Library of Congress, the MARC record is then made available to any other OCLC members online, and therefore made available to the public. Accordingly, once the MARC record is created by a cataloger at an OCLC member institution or is tape-loaded from the Library of Congress or another library anywhere in the world, any

¹⁴<http://www.loc.gov/marc/bibliographic/bd09x.html>.

publication corresponding to the MARC record has been cataloged and indexed according to its subject matter such that a person interested in that subject matter could, with reasonable diligence, locate and access the publication through any library with access to the OCLC bibliographic database or through the Library of Congress.

35. When an OCLC member institution creates a new MARC record, OCLC automatically supplies the date of creation for that record. The date of creation for the MARC record appears in the fixed field (008), characters 00 through 05. The MARC record creation date reflects the date on which, or shortly after which, the item was first acquired or cataloged. Initially, field 005 of the MARC record is automatically populated with the date the MARC record was created in year, month, day format (YYYYMMDD) (some of the newer library catalog systems also include hour, minute, second (HHMMSS)). Thereafter, the library's computer system may automatically update the date in field 005 every time the library updates the MARC record (*e.g.*, to reflect that an item has been moved to a different shelving location within the library). Field 005 is visible when viewing a MARC record via an appropriate computerized interface, but when a MARC record is printed to hardcopy, no "005" label appears. The initial field 005 date (*i.e.*, the date the MARC record

was created) does appear, however, next to the label “Entered.”¹⁵ The date upon which the most recent update to field 005 occurred also appears, next to the label “Replaced.” Thus, when an item’s MARC record has been printed to hardcopy—as is the case with the exhibits to this report—the date reflected next to the label “Entered” is necessarily on or after the date the library first cataloged and indexed the underlying item.

36. Once one library has cataloged and indexed a publication by creating a MARC record for that publication, other libraries that receive the publication do not create additional MARC records—the other libraries instead rely on the original MARC record. They may update or revise the MARC record to ensure accuracy, but they do not replace or duplicate it. This practice does more than save libraries from duplicating labor, it also enhances the accuracy of MARC records. It also allows librarians around the world to know that a particular MARC record is authoritative. In contrast, a hypothetical system wherein duplicative records were created would result in confusion as to which record is authoritative.

37. The date of creation of the MARC record by a cataloger at an OCLC member institution reflects when the underlying item is accessible to the public.

¹⁵ In this report, I sometimes refer to the “Entered” entry as field 008, characters 00-05. Field 005 is visible when viewing a MARC record via an appropriate computerized interface. But when a MARC record is printed directly to hardcopy from the OCLC database, the “005” label is not shown. The date in the 005 field instead appears next to the label “Replaced.”

Upwards of two-thirds to three-quarters of book sales to libraries come from a jobber or wholesaler for online and print resources. These resellers make it their business to provide books to their customers as fast as possible, often providing turnaround times of only a single day after publication. Libraries purchase a significant portion of the balance of their books directly from publishers themselves, which provide delivery on a similarly expedited schedule. In general, libraries make these purchases throughout the year as the books are published and shelve the books as soon thereafter as possible in order to make the books available to their patrons. Thus, books are generally available at libraries across the country within just a few days of publication.

V. DOCUMENT 1: EXHIBIT 1008 (“HUSSELBEE”)

38. Exhibit 1008 is a true and correct copy of excerpts from a book, *Automotive Computer Control Systems: Fundamentals and Service*, by William L. Husselbee and issued by Harcourt Brace Jovanovich, Inc. with a 1989 copyright date. The exhibit filed in this proceeding as Exhibit 1008 is a true and correct copy of excerpts of the Husselbee book. The text of Exhibit 1008 is complete; no pages are missing, and the text on each page appears to flow seamlessly from one page to the next; further, there are no visible alterations to the document. Exhibit 1008 was found within the custody of a library – a place where, if authentic, a copy of this

book would likely be. Exhibit 1008 is a true and correct copy in a condition that creates no suspicion about its authenticity.

39. Attached hereto as Attachment 1a is a true and correct copy of the MARC record for this book from the Pikes Peak Library District (Colorado Springs, Colorado). The library ownership is indicated by the presence of the library's name (East Library) in the screen display. I personally identified and retrieved the library catalog record which is Attachment 1a.

40. Attached hereto as Attachment 1b is a true and correct copy of the MARC record for this book from the Library of Congress. The library ownership is indicated by the presence of the library's code (DLC) in the 040 field. I personally identified and retrieved the library catalog record which is Attachment 1b.

41. Based on finding a print copy of Exhibit 1008 in the Library of Congress and MARC record in its online library catalog attached as Attachment 1b, it is my opinion that the book *Automotive Computer Control Systems: Fundamentals and Service*, by Husselbee (Exhibit 1008) was available in the Library of Congress as of September 7, 1989, as shown in field 955 ("09-7-89") and a cataloger created the MARC record on that date. As can be seen in field 008, the cataloging process began on October 21, 1988 ("881021"), the same day the MARC record was created.

42. Attachment 1b further includes an entry in field 050 ("TL214.C64 |b H87 1989"), a subject matter classification number consistent with the Library of

Congress classification system. Further, Attachment 1b further includes an entry in field 082 (“629.25/49”), a subject matter classification number consistent with the Dewey Decimal classification system. Attachment 1b further includes three English language field 650 entries reading “Automobiles |x Motors |x Computer control systems” (see Attachment 1c, Library of Congress subject heading sh93002892), “Automobiles |x Motors |x Computer control systems |x Maintenance and repair”¹⁶ (see Attachment 1c, Library of Congress subject heading sh85010253), and “Automobiles |x Ignition |x Electronic systems” (see Attachment 1d, Library of Congress subject heading sh85010274). Thus, as of its cataloging, Husselbee (Exhibit 1008), which is the publication corresponding to the MARC record attached hereto as Attachment 1b, was indexed according to its subject matter by virtue of at least three independently sufficient classifications: the field 050 entry, the field 082 entry, and the field 650 entries.

43. Attached hereto as Attachment 1e is a true and correct copy of the MARC record for the book, *Automotive Computer Control Systems: Fundamentals and Service*, by Husselbee (Exhibit 1008) obtained from the OCLC bibliographic database. I personally identified and retrieved the MARC record that is Attachment 1e. As previously noted, the library that created the record is recorded in field 040 with a unique library code. For Attachment 1e, that library code is “DLC,” which

¹⁶ <http://metadata.un.org/thesaurus/1003840?lang=en>.

means that the MARC record for this book was created at the Library of Congress. The library continues to update this MARC record and enhance the MARC record to meet current cataloging rules. As can be seen in the “Entered” field in the MARC record for this exhibit, a cataloger at the Library of Congress created OCLC record number 19652686 on October 21, 1988.

44. Attachment 1e further includes an entry in field 050 (“TL214.C64 |b H87 1989”)—as described above, this includes a subject matter classification number consistent with the Library of Congress classification system (analogous to the Dewey Decimal classification system). Attachment 1e further includes an entry in field 082 (“629.25/49”), a subject matter consistent with the Dewey Decimal classification system. Attachment 1e further includes three English language field 650 entries reading “Automobiles |x Motors |x Computer control systems” (see Attachment 1c, Library of Congress subject heading sh93002892), “Automobiles |x Motors |x Computer control systems |x Maintenance and repair”¹⁷ (see Attachment 1c, Library of Congress subject heading sh85010253), and “Automobiles |x Ignition |x Electronic systems” (see Attachment 1d, Library of Congress subject heading sh85010274). Thus, as of its cataloging, the publication corresponding to the MARC record attached hereto as Attachment 1e was indexed according to its subject matter

¹⁷ <http://metadata.un.org/thesaurus/1003840?lang=en>.

by virtue of at least three independently sufficient classifications: the field 050 entry, the field 082 entry, and the field 650 entries. Further, as of October 21, 1988, the MARC record attached hereto as Attachment 1e was accessible through any library with access to the OCLC bibliographic database or the online catalog at a library, which means that the corresponding publication was publicly available on or before that same date through any library with access to the OCLC bibliographic database or through an individual library.

45. Attachment 1e indicates that the book, *Automotive Computer Control Systems: Fundamentals and Service*, by Husselbee (Exhibit 1008) as cataloged at the Library of Congress is currently available from 50 libraries. In view of above, this book was publicly available no later than October 21, 1988, because by that date it had been received, cataloged, and indexed at the Library of Congress and made part of the OCLC bibliographic database. For these reasons, I find that Exhibit 1008 was published and accessible to the public no later than October 21, 1988.

VI. SUMMARY OF OPINIONS

46. In view of the foregoing, it is my opinion that the publication described above was publicly available no later than the corresponding date listed in the table below:

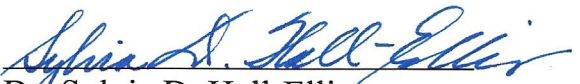
EXHIBIT	PUBLICATION	PUBLICLY AVAILABLE (NO LATER THAN)
1008	Husselbee, William L. <i>Automotive Computer Control Systems: Fundamentals and Service</i> . San Diego, CA: Harcourt Brace Jovanovich, ©1989.	October 21, 1998

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47. In signing this Declaration, I recognize that the Declaration will be filed as evidence in a case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize 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.

48. 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 Section 1001 of Title 18 of the United States Code.

DATED: July 21, 2023

By: 
Dr. Sylvia D. Hall-Ellis

Attachment 1a

Attachment 1b

LIBRARY | CATALOG

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1 of 4



BOOK

Automotive computer control systems : fundamentals and service

[Full Record](#)[MARC Tags](#)

000 01070cam a2200277 a 4500
001 4331626
005 20000111124653.0
008 881021s1989 caua 001 0 eng
035 __ |9 (DLC) 88083243
906 __ |a 7 |b cbc |c orignew |d 3 |e opcn |f 19 |g y-gencatlg
955 __ |a by35 to bd00 08-30-89; bd33 09-97-89; jg12 to CPSO 04-26-93;jg08 05-24-93; aa09 06-11-93
010 __ |a 88083243
020 __ |a 0155043552
040 __ |a DLC |c DLC |d DLC
050 00 |a TL214.C64 |b H87 1989
082 00 |a 629.25/49 |2 20
100 1_ |a Husselbee, William L.
245 10 |a Automotive computer control systems : |b fundamentals and service / |c William L. Husselbee.
260 __ |a San Diego : |b Harcourt Brace Jovanovich, |c c1989.
300 __ |a xiv, 542 p. : |b ill. ; |c 29 cm.
500 __ |a "Technology publications"--Cover.
650 _0 |a Automobiles |x Motors |x Computer control systems.
650 _0 |a Automobiles |x Motors |x Computer control systems |x Maintenance and repair.
650 _0 |a Automobiles |x Ignition |x Electronic systems.
922 __ |a adco
991 __ |b c-GenColl |h TL214.C64 |i H87 1989 |t Copy 1 |w BOOKS

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Item Availability



CALL NUMBER	TL214.C64 H87 1989 Copy 1
Request in	Jefferson or Adams Building Reading Rooms
Status	Not Charged

Attachment 1c

[The Library of Congress](#)>> [Go to Library of Congress Online Catalog](#)

LIBRARY OF CONGRESS AUTHORITIES



Help	New Search	Search History	Headings List	Start Over
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◀ Previous	Next ▶
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MARC Display	Labelled Display
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LC control no.: sh 93002892

LCCN Permalink: <https://lcn.loc.gov/sh93002892>**HEADING:** Automobiles Motors Computer control systems

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008 930427i| anannbabn |a ana

010 __ |a sh 93002892

035 __ |a (DLC)sh 93002892

035 __ |a (DLC)196701

040 __ |a DLC |c DLC |d DLC

053 _0 |a TL214.C64

150 __ |a Automobiles |x Motors |x Computer control systems

450 __ |a Electronic engine-management systems (Automobiles)

450 __ |a Engine control modules (Automobiles)

550 __ |w g |a Automobiles |x Motors |x Control systems

550 __ |w g |a Automotive computers

670 __ |a Work cat.: 88-83243: Husselbee, W.L. Automotive computer control systems, c1989.

670 __ |a Engr. index: |b p. 756 (Automotive electronic control systems)

670 __ |a GM PROM cross reference index, 1992: |b p. 1 (engine control module; ECM)

670 __ |a Popl. science, May 1993: |b p. 99 (electronic engine-management system)

670 __ |a LC database, Apr. 26, 1993 |b (computer systems, computer control; electronic engine control; engine control modules)

675 __ |a ASTI; |a TEST; |a INSPEC; |a SAE gloss. auto. terms; |a Encyc. phys. sci. tech.; |a McGraw-Hill encyc. sci. tech.; |a Hennepin

906 __ |t 9927 |u te05 |v 0

952 __ |a LC pattern: Automobiles--Ignition--Electronic systems

953 __ |a jg12 |b jg12

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LC control no.: sh 85010274

LCCN Permalink: <https://lcn.loc.gov/sh85010274>**HEADING:** Automobiles Ignition Electronic systems

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010 __ |a sh 85010274

035 __ |a (DLC)sh 85010274

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150 __ |a Automobiles |x Ignition |x Electronic systems

450 __ |a Automobiles |x Electronic ignition systems

450 __ |a Automobiles |x Transistor ignition systems

450 __ |a Electronic ignition systems for automobiles

450 __ |a Transistor ignition systems for automobiles

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020 9780155043558

050 00 TL214.C64 \$b H87 1989

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090 \$b

100 1 Husselbee, William L.

245 10 Automotive computer control systems : \$b fundamentals and service / \$c William L. Husselbee.

260 San Diego : \$b Harcourt Brace Jovanovich, \$c ©1989.

300 xiv, 542 pages : \$b illustrations ; \$c 29 cm

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