

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREEWHEEL MEDIA, INC.,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

IPR2024-00420
Patent 11,564,015

SECOND DECLARATION OF BRIAN J. EMFINGER

I, Brian J. Emfinger, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a member of the Bar of Illinois and a partner at the law firm of Banner & Witcoff, Ltd., counsel for Petitioner.

2. I provide this Declaration in connection with the above-identified *inter partes* review proceeding requested at the United States Patent and Trademark Office by Petitioner, FreeWheel Media, Inc., against Patent Owner, AlmondNet, Inc., under 35 U.S.C. § 311, 37 C.F.R. § 42.104. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Ex. 1075 hereto is a true and accurate copy of excerpts from *HTTP: The Definitive Guide*, First Edition, 2002, by David Gourley and Brian Totty with Marjorie Sayer, Sailu Reddy, and Anshu Aggarwal. Published by O'Reilly Media, Inc. (ISBN 1-56592-509-2). An exhibit label on the first page and page numbers on all pages have been added to the bottom of this document, but no other alterations have been made.

4. Ex.1082 hereto is a true and accurate copy of excerpts from *CGI Programming on the World Wide Web*, First Edition, 1996, by Shishir Gundavaram. Published by O'Reilly & Associates, Inc. (ISBN 1-56592-168-2). An exhibit label on the first page and page numbers on all pages have been added to the bottom of this document, but no other alterations have been made.

5. Ex. 1087 hereto is a true and accurate copy of excerpts from *Building Internet Firewalls*, by Elizabeth D. Zwicky, Simon Cooper, and D. Brent Chapman. Published by O'Reilly & Associates, Inc. (ISBN 1-56592-871-7). An exhibit label on the first page and page numbers on all pages have been added to the bottom of this document, but no other alterations have been made.

6. Ex. 1088 hereto is a true and accurate copy of excerpts from *Data Center Fundamentals*, 2004, by Mauricio Arregoces and Maurizio Portolani. Published by Cisco Press (ISBN 1-58705-023-4). An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document, but no other alterations have been made.

7. Ex. 1093 hereto is a true and accurate copy of excerpts from *Professional Apache Tomcat 5*, 2004, by Vivek Chopra, Amit Bakore, Jon Eaves, Ben Galbraith, Sing Li, and Chanoch Wiggers. Published by Wiley Publishing, Inc. (ISBN 0-7645-5902-8). An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document, but no other alterations have been made.

8. Ex. 1096 hereto is a true and accurate copy of excerpts from *Computer Networking: A Top-Down Approach*, Sixth Edition, 2013, by James F. Kurose and Keith W. Ross. Published by Pearson Education, Inc. (ISBN 0-13-285620-4). An exhibit label on the first page and pages numbers on all pages have been added to

the bottom of this document, but no other alterations have been made. The handwritten annotations on page four (e.g., underlining, margin notes) were present when the hardcopy of the text was received.

9. Ex. 1098 hereto is a true and accurate copy of excerpts from *Communication Systems for the Mobile Information Society*, 2006, by Martin Sauter. Published by John Wiley & Sons Ltd. (ISBN 0-470-02676-6). An exhibit label on the first page and pages numbers on all pages have been added to the bottom of this document, but no other alterations have been made.

10. I understand that willful false statements and the like are punishable by fine, imprisonment, or both.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 4th day of March 2025, in Evanston, IL.

/Brian J. Emfinger/
Brian J. Emfinger