
From: Collins-Chase, Charles
Sent: Friday, February 14, 2025 10:36 AM
To: 'support@arxiv-org.atlassian.net'; 'jira@arxiv-org.atlassian.net'
Cc: Raich, William
Subject: RE: Publication Information (Attn: Stephanie Orphan)

Dear Ms. Orphan,

I write to follow up on my email from last week regarding a paper published on arXiv.org (<https://arxiv.org/abs/1007.5075v1>).

As mentioned, the date of the paper's public availability has come up in proceedings before the U.S. Patent and Trademark Office's Patent Trial and Appeal Board. The Board has now encouraged the parties to further develop the record on this issue and referenced the possibility of an affidavit from someone with personal knowledge of arXiv.org's regular practices.

Given this development, we wanted to check again whether you or one of your colleagues might be able to work with us on preparing an affidavit regarding the paper's public availability. We would be glad to assist with drafting the affidavit and to compensate you for the time spent.

If it would be helpful to discuss further, we would be happy to arrange a brief call at your convenience to address any questions you may have.

Best regards,
Charles

Charles T. Collins-Chase
Partner | [Bio](#)

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW, Washington, DC 20001-4413
+1 202 408 4108 | fax: +1 202 408 4400 | charles.collins-chase@finnegan.com | www.finnegan.com

FINNEGAN

From: Collins-Chase, Charles
Sent: Friday, February 7, 2025 8:33 PM
To: support@arxiv-org.atlassian.net; jira@arxiv-org.atlassian.net
Cc: Raich, William <William.Raich@finnegan.com>
Subject: Publication Information (Attn: Stephanie Orphan)

Dear Ms. Orphan,

We hope this email finds you well. Our firm corresponded with you in February 2024 regarding a paper published on arXiv.org (<https://arxiv.org/abs/1007.5075v1>). The date that this paper was made publicly available on your website has come up in proceedings before the U.S. Patent and Trademark Office's Patent Trial and Appeal Board.

Last year, we appreciated very much your confirmation that the paper was made public on arXiv.org at 8PM Eastern on 7/29/2010. We had asked if you would be able to work with us on a short affidavit regarding the paper's public availability, but you let us know you were unable to do so.

Last week, the Patent Trial and Appeal Board issued a decision in which it "encourage[d] the parties to develop the record" regarding the date of public availability of the above paper on arXiv.org. The Board specifically mentions the possibility of an affidavit from a "custodian with any personal knowledge of arXiv.org or its regular practices."

Now that the Board has expressly mentioned the possibility of an affidavit from someone at arXiv.org, we wanted to reach out again to see if you or one of your colleagues would be able to work with us to submit an affidavit regarding the paper's public availability. We would be happy to help in drafting the affidavit and also to pay a fee to compensate you for any time spent.

Please let us know if you are able to work with us. If helpful, we would be happy to set up a short call to discuss any questions you may have.

Best regards,
Charles

Charles T. Collins-Chase

Partner | [Bio](#)

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

901 New York Avenue, NW, Washington, DC 20001-4413

+1 202 408 4108 | fax: +1 202 408 4400 | charles.collins-chase@finnegan.com | www.finnegan.com

FINNEGAN