

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

PETITIONER,

v.

SONGBIRD TECH, LLC,

PATENT OWNER.

Case No. IPR2024-01096

U.S. Patent No. 8,825,787

Declaration of Kelley M. Hayes Greenhill

I, Kelley M. Hayes Greenhill, state and declare as follows:

I. Introduction

1. I have prepared this Declaration in connection with the Petition for *Inter Partes* Review of U.S. Patent No. 8,825,787, which I understand will be filed concurrently with this Declaration.

2. I am currently a Director with the Research & Information Services team at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, located at 901 New York Avenue, NW, Washington, DC 20001-4413.

3. I am over eighteen years of age, and I am competent to make this Declaration. I make this Declaration based on my own personal knowledge and my knowledge of library science practices.

4. I earned a Master of Science in Library Science from the Catholic University of America in 1995, and a Bachelor of Arts in Political Science from Duquesne University in 1989. I have worked as a librarian for over twenty-five years. I have been employed at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP since 2019. Before that, from 1995 to 2015, I was employed in the Library Department of Sterne, Kessler, Goldstein & Fox, PLLC. And from 2015 to 2019, I was employed in the Knowledge and Research Service Group (formerly, Information Research Service) at Northrop Grumman Corporation.

5. I am a member of the American Association of Law Libraries.

II. Standard Library Practices for Receiving, Cataloging, and Making Materials Publicly Available

6. I have knowledge of and experience with standard library practices regarding receiving and cataloging materials and making them available to the public. I have knowledge of and experience with the Machine-Readable Cataloging (MARC) system, an industry-wide standard that libraries use to catalog materials. I also have knowledge of and experience with OCLC (previously called Online Computer Library Center, Inc.) and OCLC Control Numbers, which are unique accession numbers assigned by the OCLC system when a bibliographic record is catalogued and made available to the public through WorldCat. OCLC control numbers are often used by the public to search for specific records within WorldCat, which is an online database of 559,887,458 bibliographic records and 3,446,566,579 holdings from libraries throughout the world as of April 2024.¹

7. The MARC record system was developed during the 1960s to standardize bibliographic catalog records so they could be read by computers and shared among libraries. By the mid-1970s, MARC had become the international standard for cataloging bibliographic materials and is still used today. Many libraries provide public access to their MARC records via the Internet and/or their electronic

¹ *Inside WorldCat*, WorldCat, <https://www.oclc.org/en/worldcat/inside-worldcat.html> (last visited June 17, 2024).

cataloging systems at libraries. In a MARC record, each field provides specific information about the cataloged item that indicates how materials are held and when they were made available to the public.

8. The MARC record system uses specific three-digit numeric codes (i.e., field tags) from 001-999 to identify each field in a catalog record. For example, field tag 008 provides the six-digit date the item was catalogued (i.e., the date entered on file at the library). The first six characters of field tag 008 are in the “YYMMDD” format. Descriptions for all of the character positions of field tag 008 are outlined here on the Library of Congress website. *See 008 - All Materials (NR)*, The Library of Congress, <https://www.loc.gov/marc/bibliographic/bd008a.html> (last visited June 17, 2024).

9. MARC field tags relevant to this Declaration are explained below. MARC field tag 020 provides an item’s International Standard Book Number (ISBN), a unique identification number assigned to a monographic publication by designated agencies in each country participating in the program. MARC field tag 245 identifies the item’s full title statement for the work, and field tag 260 identifies the item’s place of publication, name of publisher, and copyright date. MARC field tags 9XX provide local holdings information to assist the public in identifying the location of a desired resource or other information.

10. Normally, after an item is received and cataloged, the public may access

the item by searching a library catalog, browsing the library shelves, and either requesting or electronically accessing the item from the library. Standard library practice is to make the item available to the public within a few days of cataloging it.

11. It is also typical for a publication to be available to the public on or within a few days of its publication date.

III. Copyright Office Record

12. The United States Copyright Office, a part of the Library of Congress, is the official U.S. government body that maintains records of copyright registrations in the United States, including providing public access to an online Copyright Catalog. The records contained in this catalog are publicly accessible and are routinely used by copyright title researchers who are attempting to clear a chain of title for copyrighted works.

IV. Barish

13. This Declaration relates to the public availability, and accessibility, of the following: Barish, Greg, *Building Scalable and High-Performance Java Web Applications Using J2EE™ Technology*. Boston: Addison-Welsey, 2002 (referred to herein as “*Barish*”). I understand that excerpts from *Barish* have been submitted as **Exhibit 1008** in this proceeding. **Exhibit 1008** is a true and accurate copy of

specific excerpts from *Barish*, including the cover, front matter, table of contents, and certain chapters.

14. **Appendix 1** to this Declaration is true and accurate copy of the United States Copyright Office record for *Barish* with Registration record number TX0005436362, which was retrieved from <https://publicrecords.copyright.gov/detailed-record/15900407> on May 2, 2024. Appendix 1 lists a publication date of “2002-01-04.” Appendix 1 includes associated names information that lists “Barish, Greg,” which is consistent with *Barish*’s listing of Greg Barish as author. **Appendix 1; Ex. 1008**, page 1. Appendix 1 also identifies the “Title” as “*Building scalable and high-performance Java web applications using J2EE technology.*” **Appendix 1**. In my professional opinion, this includes a typographical error and intends to state the title of *Barish*. Thus, in my professional opinion, **Appendix 1** is the United States Copyright Office record for *Barish*.

15. Based on standard library practices, a publication is made available to the public on or within a few days of the publication’s publication date. Based on the information in **Appendix 1**, it is my professional opinion that *Barish* would have been publicly available on or within a few days of January 4, 2002.

16. **Appendix 2** to this Declaration is a true and accurate copy of The Library of Congress catalog holdings record for its holdings of *Barish*, which was downloaded from <https://lccn.loc.gov/2001056071> on May 1, 2024. This website

also includes a link to the MARC record, which was downloaded on May 1, 2024 and a true and accurate copy of the MARC record is provided as **Appendix 3**.

17. The Library of Congress public catalog record sets forth the public holdings and location information for members of the interested public seeking a physical copy of the resource. **Appendix 2**. The public catalog record of *Barish* indicates that it should be requested in “Machine Readable Collections – STORED OFFSITE.” **Appendix 2**.

18. The Library of Congress MARC record for *Barish* includes a MARC “controlfield tag 008” that reads “011108s2002 maua b 001 0 eng.” **Appendix 3**. As discussed above, the first six characters “011108” are in typical “YYMMDD” format and confirm that *Barish* was cataloged by the Library of Congress on November 8, 2001, with the ‘s’ indicating it is “Single known date/probable date” of 2002. The “Single known date/probable date” indicates one known or probable date of distribution, publication, release, or production. Other information in the MARC record confirms that this record is associated with *Barish*. For example, Datafield tag 020 lists a unique ISBN “0201729563 (alk. paper).” *Id.* Datafield tag 245 denotes the title statement of the work as “‘a’>Building scalable and high-performance Java Web applications using J2EE technology.” *Id.* Datafield tag 260 identifies the place of publication, publisher, and copyright date as “‘a’>Boston,” “‘b’>Addison-Wesley,” and “‘c’>c2002.” *Id.* This information matches the

information in *Barish*. **Ex. 1008**, pages 2-3. Thus, in my professional opinion, **Appendix 2** is the Library of Congress MARC record for *Barish*.

19. Datafield tag 955 indicates “‘a’>ps15 2002-01-24 bk rec’d, to CIP ver.” meaning that, on January 24, 2002, *Barish* was received by the Library of Congress. **Appendix 3**. This tag includes “CIP ver.,” which indicates that *Barish* was a part of the Cataloging in Publication (CIP) Program where the Library of Congress creates a bibliographic record prior to a book being published and received. **Appendix 3; Ex. 1008**, page 3. Datafield tag 955 confirms this, indicating “‘a’>pc21 2001-11-08 to ASCD;” which means that, on November 8, 2001, the bibliographic information for *Barish* was sent to the Arts and Sciences Cataloging Division² of the Library of Congress for cataloging. **Appendix 3**. This is also confirmed by tag 008, as explained above.

20. Based on standard library practices, when publications such as *Barish* are received, they are processed, cataloged, shelved and made available to the public within a few days of receipt. Based on the evidence presented in **Appendices 2 and 3**, it is my professional opinion that *Barish* would have been made publicly available

² This Division is now the Acquisitions and Bibliographic Access Directorate. See *About the Organization*, The Library of Congress, <https://www.loc.gov/aba/about/> (last visited June 17, 2024).

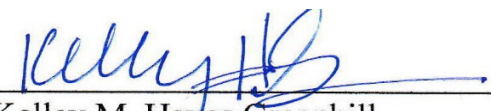
and accessible at the Library of Congress within a few days of January 24, 2002—
i.e., when the Library of Congress received *Barish*.

V. Conclusion

24. In signing this Declaration, I understand it will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I understand I may be subject to cross-examination in this 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.

25. I declare that all statements made herein of my knowledge are true, that all statements made on information and belief are believed to be true, and 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.

Respectfully submitted,


Kelley M. Hayes Greenhill

Executed on July 19, 2024, in Washington, DC.

APPENDIX 1

Copyright

Home

Search

Detailed Record View

Name

Greg Barish

Advanced Search

Share

Detailed Record View

Registration record TX0005436362

Copyright Catalog

Displaying 2 of 2 entries

Previous

Next

Building scalabel and high-performance Java web applications using J2EE technology /Greg Barish.

Actions

Registration Number / Date

TX0005436362 / 2002-01-22

Type of Work

Text

Title

Building scalabel and high-performance Java web applications using J2EE technology /Greg Barish.

Date of Creation

2000

Date of Publication

2002-01-04

Copyright Claimant

Pearson Education, Inc.

Description

CD-ROM.
392 p. +

Imprint

Boston : Addison-Wesley, c2002.

Names

Barish, Greg

Pearson Education, Inc.

Previous

Next

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Copyright

U.S. Copyright Office

101 Independence Ave S.E.

Washington, D.C. 20559-6000

(202) 707-3000 or

1 (877) 476-0788 (toll free)

DISCLAIMER

The Copyright Public Records System (CPRS) pilot is under development and is not the final version of the CPRS. This pilot does not replace or supersede the online public catalog or existing search practices the Copyright Office has established. Results obtained through the CPRS pilot should not be used for legal purposes. For information on searching copyright records, see How to Investigate the Copyright Status of a Work (Circular 22). For information on removing personal information from Copyright Office public records, refer to Privacy: Public Copyright Registration Records (Circular 18).

Resources

Request Copies

Get a Search Estimate

FAQs

U.S. Copyright office | Library Of Congress | Congress.gov | USA.gov | FOIA | Legal | Privacy Policy

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https://publicrecords.copyright.gov/detailed-record/15900407

1/1

APPENDIX 2



1. Building scalable and high-performance Java Web applications using J2EE technology

LCCN	2001056071
Type of material	Book
Personal name	Barish, Greg.
Main title	Building scalable and high-performance Java Web applications using J2EE technology / Greg Barish.
Published/Created	Boston : Addison-Wesley, c2002.
Description	xviii, 392 p. : col. ill. ; 24 cm. + 1 CD-ROM (4 3/4 in.)
ISBN	0201729563 (alk. paper)
LC classification	QA76.73.J38 B36 2002
LC Subjects	Java (Computer program language) Web sites--Design.
Notes	Includes bibliographical references (p. 369-370) and index.
Dewey class no.	005.2/762
CALL NUMBER	QA76.73.J38 B36 2002 FT MEADE Copy 1
Request in	Machine Readable Collections - STORED OFFSITE
CALL NUMBER	QA76.73.J38 B36 2002 FT MEADE Copy 2
Request in	Machine Readable Collections - STORED OFFSITE

LC CATALOG
Library of Congress
101 Independence Ave., SE
Washington, DC 20540

Questions? Ask a Librarian:
<https://ask.loc.gov/>

APPENDIX 3

This XML file does not appear to have any style information associated with it. The document tree is shown below.

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