

DECLARATION OF PAUL MARSTON

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

X CORPORATION

Petitioner,

v.

STERLING COMPUTERS CORPORATION

Patent Owner.

Case IPR2025-00299

U.S. Patent No. 7,716,217

DECLARATION OF PAUL MARSTON

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Paul Marston hereby Declares as follows:

1. I am one of the inventors of U.S. Patent No. 7,716,217, along with my co-inventor Justin Marston.

2. The statements set forth below are all based upon my personal knowledge from having personally worked on developing the inventions set forth in the '217 Patent.

3. My background, as it relates to the '217 Patent, is in statistics.

4. From 1964 until 1968, I studied at the London School of Economics, completing a B.Sc.Econ with the main specialism of statistics and an M.Sc. in Theoretical Statistics.

5. I also obtained a second M.Sc. in the history and philosophy of science, and I have since obtained a PhD on the interactions of science, scientific method, and religion in the development of geology.

6. I also in 2004 obtained a further M.A. in theology.

7. From January 1975 until August 2010, I was a full time Senior Lecturer in theoretical statistics at the University of Central Lancashire. From September 2010 to June 2011, I retained a 0.7 post, and a 0.4 post from June 2011 until final retirement in July 2024. **EX2075, EX2076 & EX2077.**

8. In 2004, Justin Marston asked me to work with him on an innovative system of mathematical statistics to determine mail relevance and priority.

9. Given that my main academic discipline was theoretical applied statistics, and given Justin's own statistics/IT background, I started to work with him to develop this.

10. During this time period (2004-2006), I continued working full time as a full time Senior Lecturer in statistics at the University of Central Lancashire.

EX2075 & EX2076.

11. I have reviewed the declarations of Justin Marston dated March 12, 2025, July 8, 2025, and September 9, 2025, and I have reviewed the documents he cited in those declarations. His discussions of our work on the '217 Patent inventions, and the documents corroborating that work, is consistent with my recollection.

12. By September 2, 2004, Justin Marston had produced a document called "BlueSpace Mail Search," referring to relevance of TransMail. **EX2004**. I was the mathematician mentioned on page 29 who prepared the formulas on pages 29-31 of the document. Also by September 2004, as discussed below, I had drafted a mathematical approach to deciding relevance and importance as reflected in **EX2047** and **EX2049**.

13. The provisional patent application no. 60/758,828, which led to the issuance of the '217 Patent, was filed on January 13, 2006, on our behalf by Fenwick & West LLP. **EX1003**.

14. From May 2005 until the provisional patent application was filed on January 13, 2006, Justin Marston and I worked reasonably continuously, within the confines of our occupations, to diligently finalize the inventions set forth in our provisional patent application. The mathematics was developed in the context of the overall structure of the proposed email system ("TransMail").

15. During this same timeframe, I was working full time teaching at the University of Central Lancashire (with main courses on statistics and other modules on history and philosophy of science and its relation to theology), and Justin Marston was involved in many other matters on behalf of his company BlueSpace. We were both also very busy with other activities during this period. Among other activities, in addition to my full time teaching responsibilities and my work on the '217 Patent, I was organising the charity Scibel that Justin and I had founded, I organised and taught on modules (about first year undergraduate level) on a church-based course, I was appointed as a Sessional Lecturer on an undergraduate ethics course at the Nazarene Theological College (**EX2078**) and I was involved in writing two Christian books that were published in 2006. My

multidisciplinary academic interests involved these activities, but did not supplant my involvement in the statistics and mathematics in my full time post or the development of the relevance algorithm.

16. I worked closely with Justin Marston on the mathematical model behind the relevance algorithm. This work that Justin I did on the relevance model from June 2005 to January 2006 reflects refinement to the formulas to implement the relevance model. This extensive work is corroborated in documents cited in Justin's declarations and herein.

17. During the 2004-2006 timeframe, I was using an AOL account and my work account for sending and receiving e-mails. Due to the passage of time and my retirement from the University, my e-mails from the 2004-2006 timeframe no longer exist. However, I recall exchanging regular correspondence regarding the draft patent application with Justin Marston by email from June 2005 until the provisional patent application was filed on January 13, 2006.

18. In addition to the documents that Justin Marston maintained on behalf of BlueSpace, I located some documents relating to our work during this timeframe in my files (backup hard drives).

19. The earliest document I can find in my files from our work on the '217 Patent is a document titled "Transmail Relevance Formulae." **EX2047**. I have

personal knowledge of **EX2047** because I was involved in creating the content discussed therein. The document has a Create date of August 10, 2004, and a Last Saved date of September 9, 2004, which is consistent with my recollection as to when the document was created and modified. The metadata for the “Author” and “Last saved by” fields lists Tony Morton-Jones. Tony Morton-Jones is a close friend of mine who was a fellow statistics lecturer at my university, and I asked him to review for me the formulas that I had prepared. The formulas in it include those identical to those I had written as the mathematician for EX2004, with some additional ones. I believe that I prepared the document and that the comments shown in tracked changes are Tony Morton-Jones’ comments on my work. Tony Morton-Jones did not prepare any of the formulas in the draft (or final) provisional patent application; he was only commenting on the formulas that I had prepared. Tony Morton-Jones did not contribute to any of the inventions set forth in the provisional patent application that led to the issuance of the ‘217 Patent.

20. The document labeled **EX2053** is a true and correct copy of a document with the File Name “Changes to document_.doc.” I have personal knowledge of **EX2053** because I wrote some of the content set forth therein. The document has a Create date of September 14, 2004, and a Last Modified date of

September 15, 2005, which is consistent with my recollection as to when the document was created and modified.

21. The document labeled **EX2054** is a true and correct copy of a document with the File Name “BlueSpaceMailSearchfor JamesB.doc.” I have personal knowledge of **EX2054** because I was involved in creating the content set forth therein. I believe the metadata indicating the document was last saved by “Marston” refers to me or Justin. I believe that the comments in red are mine. E.g., **EX2054**, at 42. The document has a Create date of September 14, 2004, and a Last Modified date of September 15, 2004 which is consistent with my recollection as to when the document was created and modified. I do not recollect who the JamesB was as mentioned in the title.

22. The document labeled **EX2055** is a true and correct copy of a document with the File Name “Importance 1.1.1.doc.” I have personal knowledge of **EX2055** because I wrote the content set forth therein. The document reflects our work on the math for the provisional patent application. The document has a Create date of September 18, 2004, and a Last Modified date of September 18, 2004, which is consistent with my recollection as to when the document was created and modified.

23. The document labeled **EX2049** is a true and correct copy of a document with the File Name “Pauls Formula Section Sept 17.doc.” I have personal knowledge of **EX2049** because I wrote the content set forth therein. The File Name “Pauls Formula” reflects that it is a formula I prepared. The document reflects my early work on the math for the provisional patent application. The document has a Create date of September 18, 2004, and a Last Modified date of September 20, 2004, which is consistent with my recollection as to when the document was created and modified.

24. The document labeled **EX2056** is a true and correct copy of a document with the File Name “formula.” I have personal knowledge of **EX2056** because it was sent to me as the writer of the formulae being discussed. The document has a Create date of August 17, 2005, and a Last Modified date of August 17, 2005, which is consistent with my recollection as to when the document was created and modified. The metadata lists Jon Fernyhough as the Author and person who “Last Saved” the document. I believe Jon Fernyhough was a coder working for Bluespace at the time who was involved in preparing for the coding but not the development of the mathematics as such. My understanding of the document is that Jon cut and pasted the relevance formulas that I prepared into the document, which is the text appearing in black. Jon then commented on my

formulas in the blue writing. He was only commenting on the formulas that I had prepared, and he did not contribute to any of the inventions set forth in the provisional patent application that led to the issuance of the '217 Patent.

25. The document labeled **EX2057** is a true and correct copy of a document with the File Name "SoftwareImplementation." I have personal knowledge of **EX2057** because I was involved in creating the mathematical content set forth therein. The document has a Create date of August 18, 2005, and a Last Modified date of August 18, 2005, which is consistent with my recollection as to when the document was created and modified. The document is a section of our draft provisional patent application that Justin and I were preparing. At the time this document was prepared, we already had a section of the provisional patent application on Software Implementation. **EX2007**, at 65. The metadata for this document lists Jon Fernyhough as the Author and person who "Last Saved" the document. The metadata also indicates that this is the eighth revision of the document. My understanding of why Jon is listed as the Author is because Justin asked Jon to cut and paste the draft section into a Word document for my review.

26. The document labeled **EX2058** is a true and correct copy of a document with the File Name "SoftwareImplementationComment." The document appears to be similar to **EX2058**, but it has comments added in red. I have personal

knowledge of **EX2058** because it is clearly a part of the interchange between Jon, Justin and myself about details of the coding of the formulae. The document has a Create date of August 19, 2005, and a Last Modified date of August 19, 2005, which is consistent with my recollection as to when the document was created and modified. The metadata for this document lists Jon Fernyhough as the Author and lists “Marston” as the person who “Last Saved” the document. My understanding of why Jon is listed as the Author is discussed above.

27. The document labeled **EX2059** is a true and correct copy of a document with the File Name “BlueSpaceRelevancePM250805.doc.” I have personal knowledge of **EX2059** because I was involved in creating the content set forth therein. The PM refers to me. The document has a Create date of August 25, 2005, and a Last Modified date of August 25, 2005, which is consistent with my recollection as to when the document was created and modified. The document has comments and questions on the math from Justin Marston, and I believe he sent this version to me for my review of the math involved. This is consistent with the next document, **EX2060**, which is a draft that has comments from both Justin Marston and “Marston,” which are my comments.

28. The document labeled **EX2060** is a true and correct copy of a document with the File Name “BlueSpaceMailRelevancePM250905.doc.” I have

personal knowledge of **EX2060** because I was involved in creating the content set forth therein. The “PM” in the File Name refers to me. Justin’s comments are reflected in the comments by “Justin Marston” or “JM.” Justin’s comments are directed to me. My comments are reflected in the comments by “Marston.” The document has a Create date of September 25, 2005, and a Last Modified date of September 25, 2005, which is consistent with my recollection as to when the document was created and modified.

29. The document labeled **EX2061** is a true and correct copy of a document with the File Name “BlueSpaceMailRelevancePM270905c.doc.” I have personal knowledge of **EX2061** because I was involved in creating the content set forth therein. The “PM” in the File Name refers to me. Justin’s comments are reflected in the comments by “Justin Marston” or “JM.” Justin’s comments are directed to me. My comments are reflected in the comments by “Marston.” The document has a Create date of September 27, 2005, and a Last Modified date of September 28, 2005, which is consistent with my recollection as to when the document was created and modified.

30. The document labeled **EX2062** is a true and correct copy of a document with the File Name “BlueSpaceMailRelevancePM280905.doc.” I have personal knowledge of **EX2062** because I was involved in creating the content set

forth therein. The “PM” in the File Name refers to me. Justin’s comments are reflected in the comments by “Justin Marston” or “JM.” Justin’s comments are directed to me. My comments are reflected in the comments by “Marston.” The document has a Create date of September 28, 2005, and a Last Modified date of September 28, 2005, which is consistent with my recollection as to when the document was created and modified.

31. The document labeled **EX2063** is a true and correct copy of a document with the File Name “Comments to Jon and Justin 07.doc.” I have personal knowledge of **EX2063** because I created the content set forth therein. The document consists of my comments to Justin Marston and Jon Fernyhough on the math involved in the provisional patent application. At the end of the document, I suggest incorporating replacing portions of the draft provisional patent application with my work set forth in the document and adding my work in the document to the draft provisional patent application. The document has a Create date of October 7, 2005, and a Last Modified date of October 8, 2005, which is consistent with my recollection as to when the document was created and modified.

32. The document labeled **EX2064** is a true and correct copy of a document with the File Name “Alterations to document.doc.” I have personal knowledge of **EX2064** because I created the content set forth therein. The

document reflects changes I proposed making to the draft provisional patent application. The document has a Create date of October 8, 2005, and a Last Modified date of October 8, 2005, which is consistent with my recollection as to when the document was created and modified.

33. The document labeled **EX2065** is a true and correct copy of a document with the File Name “BSMR021005_jfpm2.doc.” I have personal knowledge of **EX2065** because I was involved in creating the content set forth therein. I made a number of comments in the document. The document has a Create date of October 7, 2005, and a Last Modified date of October 13, 2005, which is consistent with my recollection as to when the document was created and modified.

34. The document labeled **EX2066** is a true and correct copy of a document with the File Name “BSMR021005_jfpm3.doc.” I have personal knowledge of **EX2067** because I was involved in creating the content set forth therein. I made comments in the document. The document has a Create date of October 13, 2005, and a Last Modified date of October 13, 2005, which is consistent with my recollection as to when the document was created and modified.

35. The document labeled **EX2067** is a true and correct copy of a document with the File Name “BSMR021005_jfpm4.doc.” I have personal knowledge of **EX2067** because I was involved in creating the content set forth therein. I made comments in the document. The document has a Create date of October 13, 2005, and a Last Modified date of October 13, 2005, which is consistent with my recollection as to when the document was created and modified.

36. The document labeled **EX2068** is a true and correct copy of a document with the File Name “BSMR021005_jfpm5.doc.” I have personal knowledge of **EX2068** because I was involved in creating the content set forth therein. I made comments in the document. The document has a Create date of October 13, 2005, and a Last Modified date of October 13, 2005, which is consistent with my recollection as to when the document was created and modified.

37. The document labeled **EX2069** is a true and correct copy of a document with the File Name “BSMR021005_jfpm6.doc.” I have personal knowledge of **EX2069** because I was involved in creating the content set forth therein. I made comments in the document. The document has a Create date of October 13, 2005, and a Last Modified date of October 14, 2005, which is

consistent with my recollection as to when the document was created and modified.

38. The document labeled **EX2070** is a true and correct copy of a document with the File Name “Jon & Juistin 14.10.05.doc.” I have personal knowledge of **EX2070** because I wrote the content set forth therein. The document summarizes changes I made to the draft provisional patent application. The document has a Create date of October 14, 2005, and a Last Modified date of October 14, 2005, which is consistent with my recollection as to when the document was created and modified.

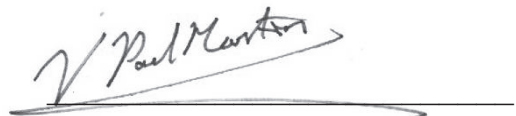
39. The document labeled **EX2070** is a true and correct copy of a document with the File Name “Comments to Justin and Jon Oct 15th.doc.” I have personal knowledge of **EX2071** because I wrote the content set forth therein. The document summarizes my thoughts on the cognate relevance calculations set forth in the draft provisional patent application. The document has a Create date of October 15, 2005, and a Last Modified date of October 15, 2005, which is consistent with my recollection as to when the document was created and modified.

40. The document labeled **EX2072** is a true and correct copy of a document with the File Name “BlueSpaceMailRelevanceJM06,11,05.doc.” I have

personal knowledge of **EX2072** because I was involved in creating the content set forth therein. The comments from “Marston” are my comments. The document has a Create date of November 9, 2005, and a Last Modified date of November 10, 2005, which is consistent with my recollection as to when the document was created and modified.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9th day of September 2025, in Leyland, Lancashire, England.


Paul Marston