

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN AIRLINES, INC. AND SOUTHWEST AIRLINES CO.,

Petitioners

v.

INTELLECTUAL VENTURES II LLC,

Patent Owner.

U.S. Patent No. 8,332,844

DECLARATION OF KEITH D. HARDEN

1. I, Keith D. Harden, make this Declaration. I am over 21 years of age and otherwise competent to make this declaration.

2. I am an attorney at the law firm of Munck Wilson Mandala, L.L.P., and lead counsel for Petitioner.

3. I provide this Declaration in connection with the above-identified *inter partes* review proceeding before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

4. Petitioner Exhibit 1022 includes true and correct copies of screenshots I personally captured on April 21, 2025 from the Internet Archive (Wayback Machine) (web.archive.org) related to archived webpages from the Usenix website, www.usenix.org.

5. Page 1 of Exhibit 1022 is a true and correct copy of a screenshot I personally captured on April 21, 2025 of the webpage located at the following URL: <https://web.archive.org/web/20031219225355/https://www.usenix.org/>. I personally accessed this webpage by inputting “www.usenix.org” into the search field of the main landing page for the Internet Archive (web.archive.org) and selecting the capture of this website dated December 19, 2003. The webpage shown on page 1 of Exhibit 1022 is still operable on web.archive.org as of the date of this Declaration.

6. Page 2 of Exhibit 1022 is a true and correct copy of a screenshot I personally captured on April 21, 2025 of the webpage located at the following URL: <https://web.archive.org/web/20031203062433/http://www.usenix.org/publications/library/proceedings/>. I personally accessed this webpage by clicking on the link titled “Conference Proceedings” shown on page 1 of Exhibit 1022. The webpage shown on page 2 of Exhibit 1022 is still operable on web.archive.org as of the date of this Declaration.

7. Page 3 of Exhibit 1022 is a true and correct copy of a screenshot I personally captured on April 21, 2025 of the webpage located at the following URL: <https://web.archive.org/web/20031229115438/http://www.usenix.org/publications/library/proceedings/osdi02/>. I personally accessed this webpage by clicking on the link titled “5th Symposium on Operating Systems Design and Implementation (OSDI ’02)” shown on page 2 of Exhibit 1022. The webpage shown on page 3 of Exhibit 1022 is still operable on web.archive.org as of the date of this Declaration.

8. Pages 4-5 of Exhibit 1022 are true and correct copies of screenshots I personally captured on April 21, 2025 of the webpage located at the following URL: <https://web.archive.org/web/20031224103655/http://www.usenix.org/publications/library/proceedings/osdi02/tech.html>. I personally accessed this webpage by clicking on the link titled “Refereed Papers (until December 2003, you will need your USENIX membership identification in order to access the full papers.)” shown

on page 3 of Exhibit 1022. The webpage shown on pages 4-5 of Exhibit 1022 is still operable on web.archive.org as of the date of this Declaration.

9. Page 6 of Exhibit 1022 is a true and correct copy of a screenshot I personally captured on April 21, 2025 of the webpage located at the following URL: <https://web.archive.org/web/20040108132844/http://www.usenix.org/publications/library/proceedings/osdi02/tech/sapuntzakis.html>. I personally accessed this webpage by clicking on the link titled “Optimizing the Migration of Virtual Computers” shown on page 5 of Exhibit 1022. The webpage shown on page 6 of Exhibit 1022 is still operable on web.archive.org as of the date of this Declaration.

10. Page 7 of Exhibit 1022 is a true and correct copy of a screenshot I personally captured on April 21, 2025 of the webpage located at the following URL: https://web.archive.org/web/20040928013857/http://www.usenix.org/publications/library/proceedings/osdi02/tech/full_papers/sapuntzakis/sapuntzakis.pdf. I personally accessed this webpage by clicking on the link titled “PDF” shown on page 6 of Exhibit 1022. The webpage shown on page 7 of Exhibit 1022 is still operable on web.archive.org as of the date of this Declaration. As shown on page 7 of Exhibit 1022, this webpage presented a copy of Sapuntzakis (Ex. 1005).

11. I declare that all statements made herein of my knowledge are true, and 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.

Dated: April 22, 2025


Keith D. Harden