

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,

Petitioner,

v.

JAWBONE INNOVATIONS, LLC,

Patent Owner.

Case No. IPR2022-00623

U.S. Patent No. 7,246,058

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**DECLARATION OF LAUREN GLUCKMAN**

## **I. Introduction**

1. I have prepared this Declaration in connection with *Inter Partes* review of U.S. Patent No. 7,246,058, which I understand will be filed concurrently with this Declaration.

2. I am currently a Senior Research Analyst at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, 901 New York Avenue, NW, Washington, DC 20001-4413.

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

4. I earned a Master of Science in Library Science (“MLS”) from the Rutgers University in 1993, and a Bachelor of Arts in Political Science from Rutgers University in 1991. I have worked as a librarian for over twenty-five years. I have been employed in the Research & Information Services Department at Finnegan Henderson since August 2021. My previous position, from 2006-2021, was as the Head of Collection Management and Reference Librarian at the Montague Law Library at Penn State Law of the Pennsylvania State University. From 2002-2006, I was employed as a Reference Librarian at Sutherland Asbill & Brennan. I was employed as a Senior Reference Librarian at the United States

Senate Library from 1996-2002 and from 1993-1995 I was an Assistant Librarian at Debevoise & Plimpton.

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

## **II. Standard Library Practice for Receiving, Cataloging, and Shelving Materials**

6. I have knowledge of and experience with standard library practices regarding receipt, cataloging, and shelving of materials. For example, I have knowledge of and experience with the Machine-Readable Cataloging (“MARC”) system that libraries use to catalog materials.

7. Based on standard library practice, when a library receives an item, it stamps the item with the library name and often with a date that is within a few days or weeks of receipt. The library will catalog the item within a matter of a few days or weeks of receiving it. *See* Appendices A, B.

8. By the mid-1970s, standard library practice involved cataloguing items using the MARC system. The MARC system was developed in the 1960s to standardize bibliographic records so they could be read by computers and shared among libraries. By the mid-1970s, MARC had become the international standard for bibliographic data, and it is still used today.

9. After an item is cataloged, the public may access the item by searching the catalog and requesting the item from the library. Standard library

practice is to then shelve the item within a matter of a few days or weeks of cataloging it.

10. Given the matter of a few days or weeks between receiving an item and cataloging it, and the matter of a few days or weeks between cataloging an item and shelving it, the total time between receiving an item and shelving it is a matter of a couple of weeks or months.

### **III. MARC Records**

11. Many libraries provide public access to their MARC records via the Internet and/or their electronic cataloguing system at the library. In a MARC record, each field provides information about the cataloged item. MARC uses a simple three-digit numeric code (from 001-999) to identify each field in the record. For example, field 245 lists the title of the work and field 260 lists publisher information. Field 008 provides the date that the item was cataloged.

12. The first six characters of the field 008 are always in the “YYMMDD” format. As discussed above, the public may access an item after it is cataloged by searching the catalog and requesting the item from the library, and standard library practice is then to shelve the item within a matter of a few days or weeks of cataloging it.

#### IV. Library and MARC Records for Lyons

13. Appendix A to this declaration includes a true and accurate copy of the “MARC Tags” from the **MARC record from the Library of Congress** for its copy of *Lyons*, downloaded from

<https://catalog.loc.gov/vwebv/staffView?searchId=22694&recPointer=4&recCount=25&bibId=690986> on March 1, 2022.

14. Appendix B to this declaration is a true and accurate copy of the “Full Record” from the Library of Congress Catalog record downloaded from the Library of Congress for its copy of *Lyons* at

<https://catalog.loc.gov/vwebv/holdingsInfo?searchId=20196&recCount=25&recPointer=4&bibId=690986> on March 1, 2022.

15. In this MARC record, the Title Statement field 245 denotes the title and statement of responsibility for the work as “*Understanding Digital Signal Processing*” by Richard G. Lyons. Field 260 denotes the publisher, location and copyright date of the work. Field 300 denotes the complete physical description of the work. *See* Appendix A.

16. In this MARC record, Field 008 lists the first six characters “960624s1997” in typical “YYMMDD” format, indicating *Lyons* was cataloged on June 24, 1996. Field 008 lists the date as “960624s1997 maua b 001 0 eng” which includes the up to forty character positions numbered 00 to 39 often found within

MARC Field 008 to better define an item. This record indicates *Lyons* was cataloged on June 24, 1996 with an indicator of “s” referring to a single date for publication in 1997. Field 008 for this record further indicates the item was published in Massachusetts, has maps (“b”), is non-fiction (“0”) and is an English language publication (“eng”). Based on standard library practices, Lyons would have been shelved and made available to the public a few days or weeks after June 24, 1996. Standard library practices for cataloging also include making records searchable to the public via print and/or online library catalogs. *See Appendix A.*

17. The **United States Copyright Office**, a part of the Library of Congress, is the official U.S. government body that maintains records of copyright registration in the United States including a Copyright Catalog. These records are publicly accessible and are routinely used by copyright title searchers who are attempting to clear a chain of title for copyrighted works.

18. Appendix C to this declaration is a true and accurate copy of the U.S. Copyright Office record for its copy of Lyons, downloaded from <https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=3&ti=1,3&Search%5FArg=understanding%20digital%20signal%20processing&Search%5FCode=TALL&CNT=25&PID=fElFS8JiK6XMYPU16HREF4BA&SEQ=20220224162304&SID=1> on March 1, 2022.

19. Appendix C indicates a title of “Understanding Digital Signal Processing”/Richard G. Lyons. The date of publication is listed as 1996-10-31, or October 31, 1996.

## **V. Conclusion**

20. 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.

21. 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.

Dated: March 2, 2022

/Lauren Gluckman/  
Lauren Gluckman  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP

# APPENDIX A



# LIBRARY | CATALOG

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5 of 6



BOOK

## Understanding digital signal processing

[Full Record](#)[MARC Tags](#)

000 00989pam a2200253 a 4500  
001 690986  
005 20160502095239.0  
008 960624s1997 maua b 001 0 eng  
006 \_\_\_ |a 7 |b cbc |c orignew |d 1 |e ocip |f 19 |g y-gencatlg  
025 0\_ |a acquire |b 1 shelf copy |x policy default  
055 \_\_\_ |a pc20 to ja00 06-24-96;jf05 to subj. 06/24/96; jf08 06-25-96 to SL; jf00 06-25-96;aa05 06-26-96;  
CIP ver. jf06 12-06-96  
010 \_\_\_ |a 96028818  
020 \_\_\_ |a 0201634678 (hc)  
035 \_\_\_ |9 (DLC) 96028818  
040 \_\_\_ |a DLC |c DLC |d DLC  
050 00 |a TK5102.9 |b .L96 1997  
082 00 |a 621.382/2 |2 20  
100 1\_ |a Lyons, Richard G., |d 1948-  
245 10 |a Understanding digital signal processing / |c Richard G. Lyons.  
260 \_\_\_ |a Reading, Mass. : |b Addison Wesley Pub. Co., |c c1997.  
300 \_\_\_ |a xvii, 517 p. : |b ill. ; |c 24 cm.  
504 \_\_\_ |a Includes bibliographical references and index.  
650 \_0 |a Signal processing |x Digital techniques.  
991 \_\_\_ |b c-GenColl |h TK5102.9 |i .L96 1997 |p 00015431003 |t Copy 1 |w BOOKS

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|             |                                                            |
|-------------|------------------------------------------------------------|
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| Request in  | Jefferson or Adams Building Reading Rooms - STORED OFFSITE |
| Status      | Not Charged                                                |

# APPENDIX B

LIBRARY

CATALOG

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5 of 6

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BOOK

Understanding digital signal processing

Full Record

MARC Tags

Personal name

Lyons, Richard G., 1948-

Main title

Understanding digital signal processing / Richard G. Lyons.

Published/Created

Reading, Mass. : Addison Wesley Pub. Co., c1997.

Request this Item

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More Information

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|                       |                                                                           |
|-----------------------|---------------------------------------------------------------------------|
| LCCN Permalink        | <a href="https://lccn.loc.gov/96028818">https://lccn.loc.gov/96028818</a> |
| Description           | xvii, 517 p. : ill. ; 24 cm.                                              |
| ISBN                  | 0201634678 (hc)                                                           |
| LC classification     | TK5102.9 .L96 1997                                                        |
| LC Subjects           | Signal processing--Digital techniques.                                    |
| Browse by shelf order | <a href="#">TK5102.9</a>                                                  |

|                  |  |                                                |  |
|------------------|--|------------------------------------------------|--|
| 3/1/22, 11:51 AM |  | LC Catalog - Item Information (Full Record)    |  |
| Notes            |  | Includes bibliographical references and index. |  |
| LCCN             |  | 96028818                                       |  |
| Dewey class no.  |  | 621.382/2                                      |  |
| Type of material |  | Book                                           |  |

Item Availability

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|             |  |                                                            |  |
|-------------|--|------------------------------------------------------------|--|
| CALL NUMBER |  | TK5102.9 .L96 1997 CABIN BRANCH<br>Copy 2                  |  |
| Request in  |  | Jefferson or Adams Building Reading Rooms - STORED OFFSITE |  |
| Status      |  | Not Charged                                                |  |

# APPENDIX C

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## Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = understanding digital signal processing

Search Results: Displaying 3 of 3 entries

[Labeled View](#)

*Understanding digital signal processing / Richard G. Lyons.*

**Type of Work:** Text

**Registration Number / Date:** TX0004453909 / 1997-01-16

**Title:** Understanding digital signal processing / Richard G. Lyons.

**Imprint:** Reading, MA : Addison-Wesley Pub. Co., c1997.

**Description:** 517 p.

**Copyright Claimant:** Addison Wesley Longman, Inc.

**Date of Creation:** 1996

**Date of Publication:** 1996-10-31

**Names:** [Lyons, Richard G.](#)

[Addison Wesley Longman, Inc.](#)



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