

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC, and

NETFLIX, INC.,

Petitioners,

v.

UNILOC 2017 LLC,

Patent Owner.

PTAB Case No. IPR2020-00008

Patent No. 9,721,273

**DECLARATION OF BEN HAMMERSLEY IN SUPPORT OF PETITION
FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,721,273**

I, Ben Hammersley, declare under penalty of perjury that:

1. I am over the age of 21 and have personal knowledge regarding the facts contained herein.
2. I am currently a self-employed consultant. I specialize in keynote speeches and technology-based scenario planning.
3. Exhibit 1006 to Hulu, LLC and Netflix, Inc.'s Petition for *Inter Partes* Review of U.S. Patent No. 9,721,273 is a true and correct copy of O'Reilly Media's "Developing Feeds with RSS and Atom" (hereinafter "Developing Feeds"), a book I authored between 2002 and 2005 during the course of my work. "Developing Feeds" was in many ways an expanded edition of one of my previous books, "Content Syndication with RSS," which I authored and O'Reilly Media published in 2003.
4. I wrote Developing Feeds to provide bloggers, web developers, and programmers with a thorough explanation of syndication in general and the two most popular XML-based formats used to develop feeds at the time the book was published—RSS 2.0 and Atom.
5. Developing Feeds was released to the public and available for purchase by the public in bookstores, including Barnes and Noble, no later than April 2005. Developing Feeds was also available for purchase by the public over the Internet in 2005.
6. I recall receiving a copy of Developing Feeds as of April 2005, if not shortly

before. I also recall seeing it in Borders on Oxford Street in London either in April 2005 or shortly thereafter.

7. O'Reilly offers its authors a "talent portal" in which authors can check on the status of their works' sales, as well as manage other information such as royalty statements and personal profiles. Attached as Exhibit A is a copy of my talent portal screen, which I accessed on October 2, 2019, showing a publication date of April 2005.
8. Attached as Exhibit B is a copy of a quarterly royalty statement from 2007, the earliest date I can access on O'Reilly's system, showing that sales of Developing Feeds occurred between July 1, 2007, and September 30, 2007.
9. Attached as Exhibit C is a screenshot of an O'Reilly webpage describing a talk I gave in 2005. I recall giving the talk, and I recall that at the talk I signed copies of Developing Feeds. Moreover, I recall while in Portland that I went to Powell's Books, which is a well-known bookstore there, and saw Developing Feeds on the shelf.
10. I do hereby declare and state, that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, 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.

Executed at Brooklyn, New York on October 7, 2019.

By:  _____

Ben Hammersley

EXHIBIT A

Talent Portal

Welcome **Ben** | [Sign Out](#)

Author Resources | **Sales Data** | Royalty Statements | Manage Errata

Sales Data from Major Retailers

Please Note: This data is from major retailers including Amazon, Barnes and Noble, and oreilly.com. **Royalties are not calculated on the basis of these sales.**

Developing Feeds with RSS and Atom



Status: In Print
 Publish Date: April 2005
 ISBN: 9780596008819
 Digital List Price: \$31.99
 USD
 Print List Price: \$39.95 USD

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Print & Digital Units Per Week

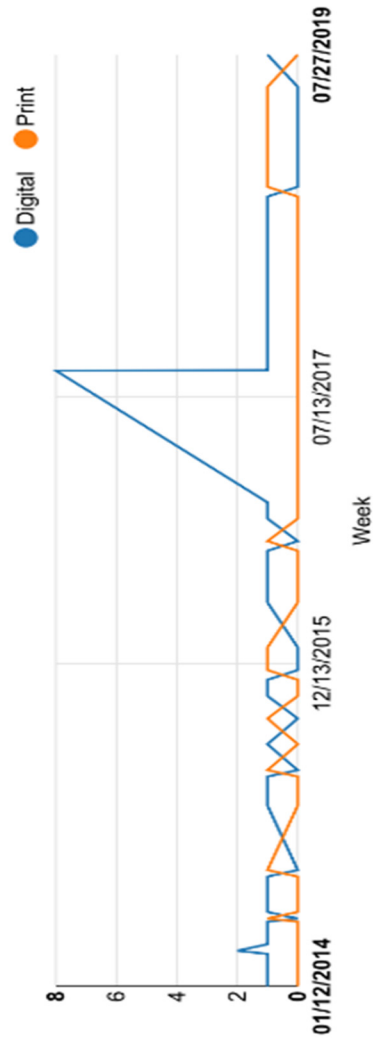


EXHIBIT B



O'Reilly Media Inc.
1005 Gravenstein Hwy North
Sebastopol, CA 95472
Quarterly Royalty Statement As From :07-01-2007 to 09-30-2007

Hammersley, Ben
20 Scala St
London W1T 2HW
United Kingdom

Content Syndication with RSS, 1Ed

9780596003838

Format	Net Units	Net Sales	Royalty %	Net Royalty
Book	5	67.40	10.0000	6.74
On-Line Access	1	428.40	10.0000	42.84
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Net	6	495.80		49.58

Developing Feeds with RSS and Atom, 1Ed

9780596008819

Format	Net Units	Net Sales	Royalty %	Net Royalty
Book	-26	-825.02	10.0000	-82.50
On-Line Access	1	1,316.00	10.0000	131.60
	-----	-----		-----
Net	-25	490.98		49.10

Statement Totals	-19	986.78		98.68
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Prior Statement Balance:	-3,817.93
Advance:	0.00
Royalties Due:	-3,719.25

EXHIBIT C



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Session

45 Things to Do with RSS and Atom

[Ben Hammersley](#), :-), Ben Hammersley
[Timothy Appnel](#), Principal, Appnel Internet Solutions

Track: XML

Date: Friday, August 5th, 2005

Time: 11:35am - 12:20pm

Location: E142

The syndication formats of RSS and Atom are the most popular flavors of XML in use today. But most people consider them to be merely tools for newspaper headlines and weblog posts. In this session, we'll examine, with great speed and glorious fury, a whirlwind of 45 other uses for your RSS reader. One minute a hack! Code included! All New! All Useful! It's Hot! It's Now! It will get slightly hysterical! Hurrah!

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margi@oreilly.com.

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contact Suzanne Axtell at
suzanne@oreilly.com.

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