

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

MAXELL, LTD.,
Patent Owner

IPR2020-00407 – Patent 6,748,317

IPR2020-00408 – Patent 6,430,498

IPR2020-00409 – Patent 6,580,999

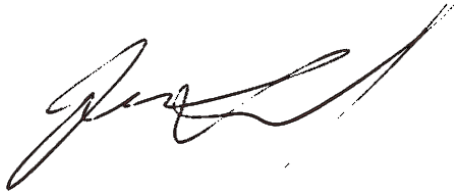
SUPPLEMENTAL DECLARATION OF JACOB ROBERT MUNFORD

I have been asked to address Patent Owner's argument that a "Do Not Circulate" stamp on the 25th page (Ex. 1009, 38) of App. AB01 to my original declaration means this resource "was not meant for public use." Paper 6, 26-27. Based on my experience with such stamps and my personal experience accessing AB01 as a member of the public, it is my opinion that Patent Owner is incorrect.

In my experience as a librarian, stamping "Do Not Circulate" on a reference indicates only that some restrictions are placed on the permitted transactions. Based on my personal experience accessing AB01, the stamp in question does not mean the reference is inaccessible to the public, but instead that it cannot be removed from the premises. The sticker receipt on the 3rd page of AB01 (Ex. 1009, 16) indicates I requested this volume as of November 18, 2019 and the book was pulled from the archival shelf a few hours later. I made that request via their public catalog. For my specific transaction, I was informed that AB01 would be held in a special collections room, but that the book could not leave the library. The staff did not restrict my ability to handle the book or make reproductions within the library.

It is my opinion that, for AB01 specifically, the "Do Not Circulate" stamp is directly related to the "Storage Facility" notice, indicated on the 3rd page of AB01 (Ex. 1009, 16). Books held in off-site archives often have specific restrictions to facilitate long-term preservation. Consistent with this well-accepted practice, the library allowed me to access and photocopy the reference, but not remove it.

Dated: 6/3/2020

A handwritten signature in dark ink, appearing to read 'Jacob', followed by a long, sweeping horizontal stroke that ends in a small upward flick.

Jacob Robert Munford