IN THE UNITED STATES COURT

FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, INC., a Delaware corporation,	)	**CIVIL ACTION**
Plaintiff and Counterdefendant,	)	**No. 1:08-cv-00862-JJF**
v.	)	
FACEBOOK, INC., a Delaware corporation,	)	
Defendant and Counterclaimant.	)	

DECLARATION OF DR. SAUL GREENBERG, PH.D. IN SUPPORT OF DEFENDANT FACEBOOK, INC.'S CLAIM CONSTRUCTION BRIEF

Steven L. Caponi (DE Bar #3484)
BLANK ROME LLP
1201 N. Market Street
Wilmington, DE 19801
302-425-6400
Fax: 302-425-6464
Attorneys for Defendant and Counterclaimant Facebook, Inc.

OF COUNSEL:
Heidi L. Keefe (*pro hac vice*)
Mark R. Weinstein (*pro hac vice*)
Jeffrey Norberg (*pro hac vice*)
Melissa H. Keyes (*pro hac vice*)
COOLEY GODWARD KRONISH LLP
3000 El Camino Real
5 Palo Alto square, 4th floor
Palo Alto, CA 94306

Dated: December 23, 2009

I, Saul Greenberg, Ph.D, hereby declare as follows.

1. I have been retained by defendant Facebook, Inc. ("Facebook") as a consultant in connection with the above referenced case and I have been asked to provide this declaration. I have personal knowledge of the facts set forth below, and if called as a witness, could and would competently testify thereto.

2. I earned a Ph.D. in Computer Science from the University of Calgary in 1989, an M.Sc. in Computer Science from the University of Calgary in 1984, a Diploma of Education from McGill University in 1978, and a B.Sc. in Microbiology and Immunology from McGill University in 1976. My CV is attached to this Declaration as Exhibit A.

3. I am currently a Full Professor in the Department of Computer Science at the University of Calgary. I am also an Adjunct Professor in both the Department of Psychology at the University of Calgary and the Department of Computer Science at the University of Saskatchewan. I hold a joint National Science and Engineering Research Council ("NSERC") and an Informatics Circle of Research Excellence ("iCORE") Industrial Research Chair in the area of Interactive Technologies. I am very familiar with work done in the area of interactive technologies, and frequently collaborate with colleagues located in the United States and throughout the world. I also organize, attend and give presentations at international conferences, including conferences organized by the Association of Computing Machinery ("ACM").

4. I am also an expert in Computer Science and Human Computer Interaction ("HCI"). Generally speaking, HCI is a discipline that covers the requirements, design, implementation and evaluation of computational systems for human use. I have worked full time in the field of Computer Science and Human Computer Interaction since 1988, and I have studied and researched within this area full time since 1981.

5. For the purposes of this declaration, I have reviewed the following documents: (1) U.S. Patent No. 7,139,761 ("'761"); (2) Plaintiff Leader Technologies, Inc.'s Opening Claim Construction Brief ("LTI Brief"); (3) the Declaration of Giovanni Vigna in Support of Plaintiff Leader Technologies, Inc.'s Opening Claim Construction Brief ("Vigna Decln"); and (4) the file history for the '761 Patent. This declaration is based upon my review of the above documents, my knowledge of the field, and my 21+ years of experience educating and training people skilled in the art at the level described by Professor Vigna.

6. Dr. Vigna opines that the appropriate standard for one of ordinary skill in the art with regard to the '761 patent is "someone who holds a bachelors degree in computer science, computer engineering, electrical engineering, or the like," and that if such formal education was lacking that it could also be "someone who had several years of experience in the computer industry" [¶2, Vigna Decln]. For the purposes of this declaration only, I will accept Dr. Vigna's standard for one of ordinary skill in the art with regard to the '761 patent. However, it is unclear what Dr. Vigna means by "several years of experience in the computer industry," as this could include (for example) a computer sales clerk with no programming or implementation experience. For the purposes of this declaration, therefore, I will assume that Dr. Vigna means that the training received over these several years of experience is at least equivalent to a bachelors degree in Computer Science.

7. Dr. Vigna opines

> "Generally, the claims of the '761 Patent are clear and straight forward. ..."
> [¶3, Vigna Decln]

I disagree. I have thoroughly studied the '761 patent and read the specification several times. I personally found the claims of the patent very difficult to understand, and my expertise is considerably above Dr. Vigna's description of one of ordinary skill in the art. After reading and

rereading both the claims and the specification, it is my opinion is that: the claims of '761 patent are not clear and straightforward; and they would not be understandable by one skilled in the art without a construction by the court. Additional reasons are provided below.

8. Dr. Vigna then opines

> "… Most of the terminology used in the claims is used in the same manner as it is used in everyday language and is not unique to the computer industry. ..." [¶3, Vigna Decln]

I disagree. Specifically, Dr Vigna lists the following specific terms that he claims have no special meaning in computer science outside of their normal everyday use, e.g., "accesses" and "accessed" [¶5, Vigna Decln], "arrangements" [¶7, Vigna Decln], "associated", "association" and "associating" [¶8, Vigna Decln], "based on change" [¶9, Vigna Decln], "capturing" [¶10, Vigna Decln], "change in access of the user" [¶11, Vigna Decln], "created" and "create" [¶15, Vigna Decln], "employs" [¶17, Vigna Decln], "generating" [¶20, Vigna Decln], "in response to which" [¶21, Vigna Decln], "interrelated" [¶23, Vigna Decln], "interrelationship" [¶24, Vigna Decln], "locating" and "locate" " [¶25, Vigna Decln], "relationship" [¶31, Vigna Decln], "updating" " [¶37, Vigna Decln], and opines that those skilled in the art would use the everyday meaning of these terms.

9. I disagree with Dr. Vigna's opinion above, and his specific opinions regarding each of these terms. In my opinion, these terms as used in the claims have highly technical nuances that must be clearly defined if the '761 patent claims are to be understood. Both non-technical people (e.g., jury members) as well as those skilled in the art would not correctly understand the meaning and scope of these claims if they attempted to interpret the words in these claims by their meaning in everyday language. That is, the normal everyday usage of these terms is not helpful in understanding the precise meaning, scope, and limitations of the

claims as set forth in the ’761 patent. Rather, these terms do have special technical meanings as defined by the way they are described and used in the claims and specification. Specific examples will be provided shortly.

10. Dr. Vigna further opines :

> “… For the terms that are unique to the computer industry, the terms are readily understood by anyone who has a rudimentary understanding of computer science.” [¶3, Vigna Decln]

I disagree. Dr Vigna lists the following specific terms as those that he claims have a known usage in the computer science field: “application(s)” [¶6, Vigna Decln], “change information” [¶12, Vigna Decln], “context” [¶13, Vigna Decln], “context information” [¶14, Vigna Decln], “dynamically” [¶16, Vigna Decln], “environment” [¶18, Vigna Decln], “file storage pointers” [¶19, Vigna Decln], “indexing” [¶22, Vigna Decln], “metadata” [¶26, Vigna Decln], “ordering” [¶27, Vigna Decln], “ordering information” [¶28, Vigna Decln], “portable wireless device” ” [¶29, Vigna Decln], “relational storage methodology” ” [¶30, Vigna Decln], “remote location” ” [¶32, Vigna Decln], “search and association criteria” [¶33, Vigna Decln], “storage component” [¶34, Vigna Decln], “tagged” [¶35, Vigna Decln], “traversing” ” [¶36, Vigna Decln], “user interaction” ” [¶39, Vigna Decln], “user defined data” ” [¶39, Vigna Decln], “web” ” [¶40, Vigna Decln], and “workspace” ” [¶41, Vigna Decln], and opines that these terms are used in a manner which is consistent with this usage.

11. I disagree with Dr. Vigna’s opinion above, and his specific opinions regarding each of these terms. The above-listed terms as used in the ’761 claims would not be understood correctly by those with a rudimentary understanding of computer science for several reasons. First, some of these terms used in the ’761 claims would be either unfamiliar or at best vaguely understood by those skilled in the art. My opinion on this point is based on my 21 years of teaching and evaluating computer science students (seniors and graduates) who would qualify

under Dr. Vigna's definition of one of ordinary skill in the art. Second, of those terms that would be familiar to those of ordinary skill in the art, the meaning of those terms varies based on the specific system or technical implementation in question, which may differ from the system described in the '761 patent. Specific examples are provided below. The precise meaning and limitations of these terms from the '761 patent can only be understood if they are interpreted in light of the patent claims and specification.

12. The pervasive flaw throughout Dr. Vigna's declaration is that his opinions appear to be based on analyzing the terms of the '761 patent in a vacuum without regard to the '761 claims and specification in which they appear. I have been informed that, for claim construction purposes, a person of ordinary skill in the art is one who has read not just the claim term in the context of the claim in which it appears, but also in the context of the entire patent including the specification. There is nothing in Dr. Vigna's declaration to suggest any awareness of this principle, as he does not cite or discuss the specification or surrounding claim language to support his opinions.

13. Dr. Vigna's discussion of the claim term "**web**" provides an instructive example of this problem. Dr. Vigna claims that the term "web" would not be construed to include the concept of boards or workspaces. [¶40, Vigna Decln] The '761 patent, however, explicitly and unequivocally defines the term "web" in this fashion. ['761, Col. 7:58-59 ("As used herein, the term "web" refers to a collection of interrelated boards.")]. No person of ordinary skill in the art who had read the '761 specification would agree with Dr. Vigna's opinion on this issue.

14. In his declaration, Dr. Vigna opines that constructions of the specific terms as construed by Facebook are contrary to their ordinary meaning to a person of ordinary

skill in the art. His opinions typically use a variant of the phrase "the term *x* is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill." Tellingly, as to all but one of the 39 terms he discusses, Dr. Vigna *never* actually identifies this ordinary meaning or so-called "known usage." He instead opines in the negative, i.e., that whatever the meaning is, one of ordinary skill would not adopt the meaning provided by Facebook. Arguments supporting these negative opinions are rarely provided.

15. Dr. Vigna's failure to identify these so-called ordinary meanings supports my opinion that the claim terms need construction by the court if they are to be understood to a person of ordinary skill in the art. Similarly, Dr. Vigna's omission in providing arguments justifying why one of ordinary skill would not adopt Facebook's proposed constructions also support my opinion that the claim terms need construction by the court. If Dr. Vigna himself cannot define these terms, then we should not expect a person of ordinary skill in the art, let alone a lay jury, to be able to do so either. If Dr. Vigna cannot articulate his reasoning for rejecting Facebook's proposed constructions, we cannot expect a person of ordinary skill to understand why those meanings are inapplicable.

16. Examples supporting my opinions follow. I do not cover all terms here. Rather, this sampling is meant to illustrate how I arrived at the opinions above when considering all of the terms under dispute.

17. Dr. Vigna opines that the term "**accesses**" and "**accessed**" have no special meaning in computer science outside of their normal everyday use, where one of ordinary skill in the art would understand them to have their plain ordinary meaning. [¶5, Vigna Decln]. However, Dr. Vigna does not define what this ordinary meaning is, nor what a person of ordinary skill would understand this term to mean in the context of the '761 patent. Instead of

providing this meaning, Dr. Vigna opines in the negative, i.e., that Facebook's proposed construction unnecessarily limits the meaning of these terms. Facebook's proposed construction specifically addresses how one accesses or has accessed the data in question in the '761 patent, i.e., that accessing the data is distinct from uploading, adding or creating it. Now consider Dr. Vigna's specific opinions. First, he opines (without providing any reasoning) that one skilled in the art would not understand these terms to exclude uploading, adding, or creating. I disagree. In general, if computer programmers speak of "accessing" data, then they are speaking about a computational capability that allows them to read (or retrieve) existing data. Data that does not exist cannot be accessed. This meaning is consistent with the everyday meaning of "access." Thus, in my opinion, the terms "accesses [the data]" and "[the data is] accessed" exclude this act of creation, i.e., contrary to Dr. Vigna's opinion, accessing does not involve uploading, adding, or creating data, and thus is distinct from them. Second, Dr. Vigna opines that one of ordinary skill in the art would not interpret these terms to refer to "the second context" or "the second user environment," again without providing any reasoning. I disagree, as this is exactly how the terms are used in the claims. For example, Claim 1 states: "wherein the user accesses the data from the second context".

18. Dr. Vigna opines that the term "**change information**" has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. [¶12, Vigna Decln]. I disagree. The particular term "change information" does not have a known technical usage that can be readily understood. In my opinion, a person of ordinary skill in the art would first have to consider the everyday meaning of this term, and then how it is used in the specific context of the '761 patent to understand its technical meaning. The everyday meaning by itself is insufficient, for it does not define precisely what particular information defines a change,

nor does it define precisely what information is being compared in order to determine its differences from one state to another. Dr. Vigna's opinion does not provide guidance. He does not define what this usage is, nor what a person of ordinary skill would understand this term to mean in the context of the '761 patent. Turning to the '761 patent, I note that 'change information' only appears in the second element of Claim 23.

> "A computer-implemented system that facilitates management of data, comprising:
>
> a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server, assigning one or more applications to the first user workspace, capturing context data associated with user interaction of a user while in the first user workspace, and for dynamically storing the context data as metadata on a storage component of the web-based server, which metadata is dynamically associated with data created in the first user workspace; and
>
> a computer-implemented tracking component of the web-based server for tracking *change information* associated with a change in access of the user from the first user workspace to a second user workspace, and dynamically storing the *change information* on the storage component as part of the metadata, wherein the user accesses the data from the second user workspace."
> ['761, Col. 23:20, emphasis added]

For one skilled in the art to understand the precise meaning of change information, one would have to deconstruct this claim in light of both elements. In particular, the first element describes a user in a first user workspace, where context data is captured when a user is interacting in a first user workspace. The second element then describes the user moving from this first user workspace to a second user workspace, i.e., "a change in access of the user from the first user workspace to a second user workspace". That is, the change in access from the first workspace to the second workspace tracks the movement from the first to the second workspace. Dr. Vigna disputes this meaning, but provides no explanation.

19. Dr. Vigna opines that the term "**dynamically**" has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. [¶16,

Vigna Decln]. Again, Dr. Vigna does not actually identify what this usage is, nor what a person of ordinary skill would understand this term to mean. He opines that Facebook's proposed construction of "dynamically" as "automatically and in response to the preceding event" would not be understood to include the concept of "in response to a preceding event," but he does not provide reasons for his opinion. I disagree with Dr. Vigna. In my opinion, the precise meaning of the term "dynamically" can only be ascertained via the '761 patent itself. There appears to be no dispute that for something to occur "dynamically," it must also occur automatically. However, this is insufficient: to understand what is meant by dynamically, we need to understand its precondition, i.e., how the automatic action is triggered. Fortunately, the '761 patent does describe what triggers this automatic activity, and this nuance is crucial in understanding what "dynamically" means within the '761 patent scope. Consider how the '761 patent describes the triggers in these particular cases.

> "As a user creates a context, or moves from one context to at least one other context, the data created and applications used previously by the user automatically follows the user to the next context. The change in user context is captured dynamically." ['761, Col. 4:1]

And again:

> "As users create and change their contexts, the data (e.g., files) and applications automatically follow, the shifts in context being captured dynamically in the context data." ['761, Col. 7:46]

That is, the dynamically captured change is triggered automatically by a preceding event, in this case the user creating or moving from one context to another. I note that this description is consistent with Facebook's construction.

20. Dr. Vigna opines that the term "**metadata**" has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. In contrast to other terms, Dr. Vigna does opine about the definition of metadata: "metadata is a

broad term for a type of data and generally refers to 'data about data'" [¶26, Vigna Decln]. He then opines that that Facebook's construction of metadata − "a stored item of information associated with a user's data that identifies at least the context, user workspace or user environment in which the user and the data currently reside" − is contrary to how one skilled in the art would understand the term, as they would not require that metadata be narrowed to the identifying information. I disagree. Dr. Vigna's broad definition is not useful if one skilled in the art is to understand the scope of the term "metadata" as used in the '761 patent.

21. Indeed, one of ordinary skill in the art would understand that the precise meaning of "metadata" depends on the particular system or implementation that employs it. For example, consider the meaning of metadata within a variety of systems. Most computational systems record very specific metadata describing the specific attributes of the data elements it stores. For primitive data, metadata may include the data's type (e.g., integer, floating point, string, object type) and its length in bits or bytes. For objects, metadata may include the various object properties and methods (including their names). For data stored as files, metadata may include its location, its creator, various dates describing when that file was created, last modified, and last accessed, and permissions for access control. For data that is a digital video file, metadata may include its title, author, summary of contents, and its length in seconds. For data as digital photographs, metadata (which is sometimes displayed to the end user on the camera or on digital photo editing software) may include the date/time the photo was created, the format (e.g., jpeg), camera settings such as aperture and exposure time, GPS information indicating where the photo was taken, and so on. What should be clear from the above examples is that Dr. Vigna's broad meaning of metadata as 'data about data' simply denotes a class; each specific instance of metadata use demands a more precise meaning if it is to be understood. Indeed, the

’761 patent does describe the specific meaning of the term “metadata” as used in all the independent claims, which is consistent with Facebook’s construction. For example:

> “Data created within the board is immediately associated with the user, the user's permission level, the current workspace, any other desired workspace that the user designates, and the application. This association is captured in a form of metadata and tagged to the data being created. The metadata automatically captures the context in which the data was created as the data is being created.” [‘761, Col. 3:44]

Facebook’s construction adds clarity and removes ambiguity of what exactly is meant by “metadata” within the context of the ’761 patent, i.e., that metadata at least includes the context, user workspace or user environment in which the user and the data currently reside. Thus construction of metadata by the court is needed, as otherwise the definition of the term “metadata” as proposed by Dr. Vigna is too vague.

22. Dr. Vigna opines that the term “**ordering**” has a known usage in the computer field, and that a person of ordinary skill in the art would *not* interpret “ordering” to require “items to be placed in a fixed sequence” [¶27, Vigna Decln]. Dr. Vigna also opines that a person of ordinary skill in the art would *not* interpret “**ordering information**” to mean, within the context of this patent “data that specifies a particular path or route by which user environments must be traversed” (he gives the specific reason that one of ordinary skill would not limit the term to require user environments) [¶28, Vigna Decln] . I note that Dr. Vigna does *not* define what a person of ordinary skill would understand either of these terms to mean. Indeed, Dr. Vigna’s statement seems to imply that ordering would *not* require items to be in order, which is a contradiction. I disagree with Dr. Vigna’s opinion. In my opinion, “ordering” would be understood to place items in a fixed sequence. This meaning is consistent with both the everyday and technical meaning of “ordering.” For example, ordering items alphabetically (whether manually or by computer) would be understood to place items in a fixed alphabetic

sequence; if there was no fixed sequence, then the items would not be considered ordered. Similar examples include organizing by size, numeric value, length, and so on. In all cases, the exact meaning of the fixed ordered sequence is provided by context, i.e., by the items being placed in order (e.g., alphabetic, numeric, etc.). Consider "ordering information" in this context. In Claim 17, the '761 patent uses the term "ordering information" within its elements as follows:

> "storing in a storage component *ordering information* related to the ordering of the two or more of the plurality of user environments; and traversing the different arrangements of the user environments with one or more of the applications based on the *ordering information* to locate the data associated with the user environments." ['761, Col.22:31].

The elements specify that this "ordering information" relates to the ordering of two or more user environments. Yet unlike numbers or alphabetic lists, no specific guidance is given by the term "ordering information" on how to order these user environments into a fixed sequence: it is unclear as to what this ordering information actually is. Thus the term "ordering information" must be construed from the surrounding description. In this case, the last element describes ordering information in a manner consistent with Facebook's construction, i.e., "data that specifies a particular path or route by which user environments must be traversed". This meaning is reaffirmed by the place in the '761 specification where ordering is specifically discussed, where the order described is of the 'boards' contained within a 'web', and that this ordering describes a particular traversal path or route through them:

> "The system facilitates the use of an array of applications that act independently of the boards from which they were launched, and those boards are capable of being ordered in a myriad of collections of relationships (i.e., webs). The applications can traverse the webs to the boards associated with the information." ['761, Col.12:67]

Construction of "ordering" and "ordering information" is warranted, as their meanings are otherwise ambiguous in light of Dr. Vigna's opinion. Without a construction by the court, the term "ordering information" would be indefinite: the '761 patent would not teach how

information is ordered, and without knowing this ordering one would not know if one has infringed.

23. Dr. Vigna opines that the term "**traversing"** does not fit Facebook's proposed construction: "navigation by the user according to a specific path or route." Yet Dr. Vigna does not define what traversing means or how it would be understood by a person of ordinary skill in the art. Instead, he only states that one of ordinary skill in the art would not understand this term to require or include the concept that a specific path or route be used. [¶36, Vigna Decln] I disagree. In Computer Science education typical of one of ordinary skill in the art, students are continually taught about traversing data structures, where traversing means following a specific path or route through that structure in a systematic way. For example, linked lists are traversed sequentially from node to node. Binary tree traversal has several very specific methods that defines the specific path or route through the tree, e.g., pre-order traversal, in-order traversal, and post-order traversal. The term "traversing" as used in claim 17 also implies that a specific path or route must be followed:

> "A computer-implemented method of managing data, comprising computer-executable acts of: generating a plurality of user environments in a web-based system; *ordering two or more of the plurality of user environments* according to different arrangements of the user environments; providing a plurality of applications for generating and processing data in the user environments, data of a user environment is dynamically associated with the user environment in metadata that corresponds to the data; creating an association of the data with a second user environment when the data is accessed from the second user environment; dynamically storing the association of the data and the second user environment in the metadata; *storing in a storage component ordering information related to the ordering of the two or more of the plurality of user environments; and traversing the different arrangements of the user environments* with one or more of the applications based on the ordering information to locate the data associated with the user environments." ['761, Claim 17, Col. 22:12]

Of special note is that the term "traversing" is used within the context of ordered user environments, i.e., that "traversing the different arrangements of the user environments"

necessarily means that one is traversing through the specific path or route as determined by the order of the user environments. Construction of "traversing" is warranted, as its meaning is otherwise ambiguous in light of Dr. Vigna's opinion.

24. Dr. Vigna opines that the term "**web**" has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. Again, he does not define what this usage is. I assume that Dr. Vigna is arguing that one skilled in the art would understand "web" as a synonym for the World Wide Web. Yet the specification of the '761 patent specifically defines and applies the term 'web' to a much different meaning.

> "As used herein, the term "web" refers to a collection of interrelated boards." ['761, Col 7:58]

I note that "board" is a construct unique to the '761 patent. Furthermore, the '761 patent *never* uses "web" synonymously with 'World Wide Web', nor does it even mention the term "World Wide Web". Rather, their description and use of the term "web" describes and defines it as a component of a workflow system.

> "…there is illustrated a system 300 employing a board 302 and a web 304 in accordance with the present invention. … Boards and *webs are used to automate workflow processes and define relationships between data and applications*." ['761, Col 7:40, emphasis added]

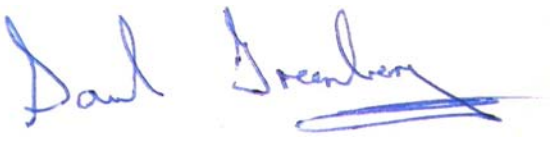
25. Dr. Vigna opines that the term "**workspace**" has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. [¶41, Vigna Decln]. I disagree. Dr. Vigna does not actually identify what this usage is, nor what a person of ordinary skill would understand this term to mean. The term "workspace" as generally understood has varied meanings in the computer field, and as such is ambiguous and thus does not have an accepted technical usage that can be readily understood. The '761 specification itself makes clear that the term "workspace" has a very specialized meaning and that the term is synonymous with the term "board." ['761, Col. 3:32-34 ("This workspace is called a board, and

is associated with a user context."); Col. 3:41-43 ("Moreover, thereafter, the user can then move to shared workspaces (or boards), and access the same data or other data.")]. As I noted earlier, the term "board" is a construct unique to the '761 patent. The specification explicitly defines "board," as "a collection of data and application functionality related to a user-defined topic." ['761, Col. 7:49-51] One of ordinary skill in art after consulting the '761 specification would also apply this definition to "workspace".

26. In addition, many of the claim terms of the '761 patent include the term "**component**," specifically "**context component**," "**tracking component**" and "**storage component**." These terms likewise do not have any ordinary or known meaning to those of ordinary skill in the art. One of ordinary skill in the art would regard the term "component" by itself as a generic term that identifies no specific or definite structure. Reading the term together with the modifying terms "context," "tracking," or "storage" provides no additional structural identification either. It is unclear whether each "component" is embodied hardware, software or some unidentified combination of hardware and software. This is consistent with the '761 specification, which defines "component" in this fashion. ['761, Col. 5:54-65]. Moreover, the specification does not disclose any algorithm for performing the functions of the context component, tracking component or storage component that are recited in the claims.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct as to the facts stated and my opinions as expressed.

Executed this 23rd day of December 2009.

By: 

Saul Greenberg, Ph.D.