

# EXHIBIT 6

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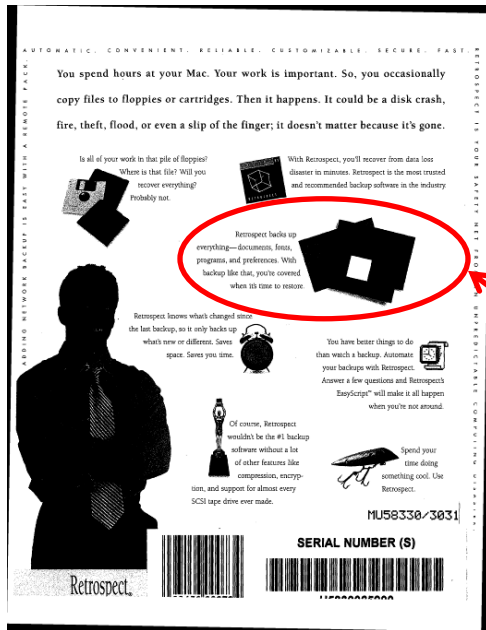
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[Retrospect @ back cover/AMPW0000704, with emphasis and callout added]

Retrospect was designed to perform automatic unattended backups once the user schedules scripts to execute automatically. Retrospect User's Guide, p. v/AMPW0000327. Retrospect can automatically archive received documents in many different ways. See e.g., Retrospect User's Guide 95 pp. 23–25, 81–87, 98, 104, 151, 155/ APMW0000398 APMW0000400, APMW0000372, APMW0000396–400, APMW0000405, APMW0000456–APMW0000460, APMW0000473, APMW0000479, APMW0000518, APMW0000526, APMW0000530, APMW0000529–537, APMW0000704, see also Retrospect User's Guide 93, p. 40, 42, 44. Retrospect copies or moves documents to a secondary storage medium, such as a tape or a disk. Retrospect User's Guide APMW000396, see also Retrospect User's Guide 93, pp. 14, 17, 18, 27, 28, 98, 107, 207.

### 1. Motivation to Combine Mander '724 with Retrospect

One of ordinary skill would be motivated to add (i.e., combine) the archiving functionality of Retrospect with the file organization and user interface of Mander for several reasons. First, it is desirable to archive files stored on a computer so that information can be

retrieved if it has been lost. Second, it is also desirable to provide this functionality automatically in order to minimize manual intervention and eliminates the problems that could be caused by a user forgetting to archive files. Third, automatic archival methods of backup help to ensure that backed up files are not accidentally deleted or written over. Retrospect at p. v/APMW0000372.

In addition, both Mander '724 and Retrospect are built for the Macintosh operating system. In fact, Retrospect User's Guide expressly states that its incremental backup method is intended for use with a Macintosh operating system. Retrospect User's Guide p. v/APMW0000372. One of ordinary skill in the art would expect Mander '724 to be either written as an application to be run on top of a Macintosh operating system or implemented as part of the Macintosh operating system itself.

If, Mander '724 was written as a Macintosh application, then one of ordinary skill in the art would expect both Mander '724 and Retrospect to work in their intended manners if they were installed on the same Macintosh computer. Thus, the results of such a combination would be entirely predictable to one of ordinary skill in the art.

On the other hand, if Mander '724 was implemented as a part of a new Macintosh operating system, then one of ordinary skill in the art would expect a compatible version of Retrospect to be made available for use with such an operating system. In both cases, since there is nothing in Mander '724 that eliminates the desire or need for data archiving, one of ordinary skill in the art would find it very desirable to use archiving functionality with the file system afforded by Mander '724.

In fact, since Retrospect was the “#1 backup software” for Apple Macintosh computers (1995 Retrospect User's Guide p. APMW0000704, 1993 Retrospect User's Guide,



p. 12), it is entirely predictable to expect the person of ordinary skill in the art to turn to Retrospect to provide archiving functionality to Mander '724.

Furthermore, one of ordinary skill in the art would recognize that there are predictable positive results from providing the automatic archival backup of Retrospect to Mander '724. For example, being automatic saves time, avoids relying on user memory and also avoids the need for user participation during the backup process. By copying and maintaining archived backup files on a secondary storage medium, a copy of these files are still available even if a user intentionally or accidentally deletes the original files on the user's Macintosh.

One of ordinary skill in the art would also be motivated to combine Retrospect with Mander '724 because moving seldom-used or old files to archival storage automatically is desirable to one of ordinary skill in the art to afford a convenient way to free up local hard drive space on a computer.

**C. Lucas '330**

U.S. Patent No. 5,499,330 entitled "Document Display System for Organizing and Displaying Documents as Screen Objects Organized Along Strand Paths", to Peter Lucas and Jeffrey Sean (referred to in my report as "Lucas '330," or the "'330 patent" or simply "Lucas"), was filed on September 17, 1993 and issued on March 12, 1996. A copy of Lucas '330 may be found at APMW0000705-APMW0000732. I understand that Lucas '330 is prior art under 35 USC §102(b) and is asserted under 35 USC § 103. The '330 patent was not before the Examiner during the prosecution of the '227, '313, '427 or '999 patents.

It is my opinion that Lucas '330 in combination with Lotus Magellan and its manuals (described below) renders obvious, under 35 USC §103, at least claims 13-17, 20 and 22 of the '227 patent; claims 1-3 and 9-11 of the '313 patent; and claims 1, 2, 5, 7-10, 13, 15-

## 1. Workscape

Lucas '330 is related to the work Peter Lucas and colleagues conducted at MAYA on the Workscape document management system. See <http://www.maya.com/about/peter-lucas> and <http://www.maya.com/portfolio/dec-workscape>. Workscape was a joint effort between Digital Equipment Corporation and Maya Design Group in the 1990s. At least three references describe the development of Workscape (collectively referred to as the “Workscape references” or simply “Workscape”):

1. “Workscape video” available on You Tube under the heading “Workscape Demonstration” (<http://www.youtube.com/watch?v=H9F17JrG-SE>) dates to 1993.
2. “Workscape: A Scriptable Document Management Environment” by Peter Lucas and Lauren Schneider is a published description of a demonstration presented at the CHI '94 Conference in April 1994.
3. “Designing Workscape: An Interdisciplinary Experience” by Joseph M. Ballay, is a paper presented at the CHI '94 Conference in April 1994.<sup>3</sup>

All of the Workscape references were publicly known and available more than one year before June 28, 1996 and are therefore, prior art to the Mirror Worlds patents.

The Workscape references describe a document management system that adheres to the client-server model. In this system, the client computers are able to receive and utilize documents from any number of repositories. See, e.g., Workscape: A Scriptable Document Management Environment, pp. 9–10, Workscape video at 3:27–4:20.

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<sup>3</sup> This Ballay paper references and includes a screen shot of the Hypercard stack implementing the “200 Points of Light” demo, which is shown in the 200 Points of Light video.

to Jeffrey A. Senn et al., filed December 27, 1995 (Continuation of U.S. 08/122,995, filed Dec. 27, 1993) issued November 21, 2000;

9. U.S. Des. No. D395,297 entitled “Screen display with icon,” to Hugo T.Cheng et al., filed September 17, 1993, issued June 16, 1998; and
10. U.S. Des. No. D398,299 entitled “Video screen with a combined pile and scroll icon for a video monitor,” to Joseph M. Ballay et al., filed September 17, 1993, issued September 15, 1998.

All of the above DEC/Maya patents were filed before or claim priority before the filing date of the Mirror Worlds patents. As a result, the DEC/Maya patents are prior art to the Mirror Worlds patents. One of ordinary skill in the art would have been motivated to combine any or all of the DEC/Maya patents with Lucas ’330 and/or Workscape because all of these references have at least one common inventor and relate to the inventors’ work on Workscape related technology, and many of the DEC/Maya patents share common priority claims to earlier patent applications.

## **2. Motivation to Combine Lucas ’330/Workspace with Mander ’724**

One of ordinary skill would be motivated to combine the user interfaces of Lucas ’330 and/or those described in the Workscape references with the file organization and user interface of Mander for several reasons.

Both Lucas ’330/Workspace and Mander ’724 discuss the use of piles for organizing documents stored in a computer. Both Lucas ’330/Workspace and Mander ’724 also highlight the benefit for using three-dimensional piles for displaying collections of documents. One of ordinary skill in the art searching for various ideas for implementing and displaying collections of documents in piles would be aware of the solutions discussed in both references. One of ordinary skill in the art would also understand that Lucas ’330/Workspace describes methods to display a pile with multiple exemplary layouts including a perspective foreshortened, receding, corkscrew layout. Therefore, one of ordinary skill in the art would recognize that the

visual approaches presented in Lucas '330/Workscape could be applied as acceptable substitutions for the visualizations of piles described in Mander '724. Thus, one of ordinary skill in the art would find it desirable to use the teachings of Lucas '330 and/or Workscape to present the piles of Mander '724.

Further evidence that one of ordinary skill in the art would consider combining Lucas '330 and Mander '724 is that both references (as well as the '227, '313 and '427 patents) cite to the 1983 paper by T.W. Malone entitled "How Do People Organize Their Desks? Implications for the Design of Office Information Systems", which discusses the concept of organizing documents into piles. Further, Lucas '330 cites to a paper by Stephanie Houde, one of the inventors of Mander '724. Thus, one of ordinary skill in the art searching for references relating to the concept of piles and the work by the inventors of Mander '330 would come across these references. Such linkages would be appreciated by one of ordinary skill in the art when considering which references to combine.


**D. Lotus Magellan**

Lotus Magellan is a software application first released in the 1980s by Lotus Development Corporation. Lotus Magellan is described in (among other references) "Using Lotus Magellan," by David P. Gobel (Que Corporation, 1989). A copy of User Lotus Magellan is provided at APMW0000050–APMW0000366. Lotus Magellan is also described in "Lotus Magellan's Explorer's Guide," by Lotus (Lotus Development Corporation, 1989). A copy of the Lotus Magellan's Explorer's Guide is provided at APMW0074803–APMW75039. Lotus Magellan is further described in U.S. Patent No. 5,303,361 (the "'361 patent"), entitled "Search and Retrieval System", which was filed on January 18, 1990 and issued on April 12, 1994. A copy of the '361 patent is provided at AMP0018307–AMP0018326. I collectively refer to these

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

Executed this 20th day of May, 2010 at Palo Alto, California.

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

By:   
\_\_\_\_\_  
Steven K. Feiner, Ph.D.