Exhibit "D7"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent 5,490,216 to

RICHARDSON, III

Reexam Control No.: 90/010,831

Filed: January 22, 2010

For: System for Software Registration

Confirmation No.: 2214

Art Unit: 3992

Examiner: HENEGHAN, Matthew E.

Atty. Docket: 2914.001REX0

Declaration of Dr. Udo W. Pooch 37 C.F.R. § 1.132

Mail Stop *Ex Parte* Reexam Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

I, Dr. Udo W. Pooch, declare as follows:

Retention

1. I have been retained as a technical expert witness on behalf of Uniloc USA, Inc. and Uniloc Singapore Private Limited (collectively "Uniloc") for the above-captioned reexamination. I understand that this reexamination involves U.S. Patent No. 5,490,216 ("the '216 patent") which resulted from Application No. 08/124,718, filed on September 21, 1993 on behalf of Frederic B. Richardson, III. I further understand that the '216 patent is currently assigned to Uniloc Singapore Private Limited.

Introduction

- 2. I understand that claims 1-20 of the '216 patent are subject to reexamination.
- I have reviewed and am familiar with the Office action dated January 18,
 "the Second Action" issued by the U.S. Patent and Trademark Office ("USPTO") for the '216 patent.

4. I have reviewed and am familiar with U.S. Patent No. 4,658,093 to Martin

E. Hellman ("Hellman") and with U.S. Patent No. 5,291,598 to Gregory Grundy ("Grundy"),

which I understand are the references cited in the pending claim rejections in the Second

Action.

5. I am familiar with the level of ordinary skill in the art relevant to the '216

patent as of the September 21, 1993 filing date of that patent. In my opinion a person of

ordinary skill in the art at the time of the invention ("POSA") would have held a Bachelor 's

Degree or equivalent, in either Electrical Engineering or Computer Science, or one to two

years of experience in software development or the equivalent work experience.

6. I have been asked to consider the Hellman and Grundy references in view

of the claims under reexamination in the '216 patent. Specifically, I have been asked to

determine whether the factual bases underlying the claim rejections in the Second Action are

technically correct.

7. I am being compensated at my standard hourly rate of \$400.00 for my

work on this declaration. My compensation is not dependent on the outcome of this

reexamination and in no way affects the substance of my statements in this declaration.

Qualifications

8. I have more than 45 years of professional experience and familiarity with

the art of computer and software architecture and design. I have worked in private industry

and academia. I am currently Professor Emeritus of Computer Science, Computer Science

Department, Texas A&M University.

9. I have published over 225 technical articles, chapters, and books pertaining

to computer system design, programming, software development, networking, cryptography

and computer and data security.

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10. I earned a Bachelor of Science in Physics from the University of California

(L.A.) in 1963, and a Ph.D. in Theoretical Physics from the University of Notre Dame in

1969.

11. I am a registered professional engineer, Texas License No. 38659.

12. For a complete description of my qualifications, please see my attached

Curriculum Vitae (Exhibit P-1).

<u>Hellman</u>

13. Hellman is directed to a system to combat software piracy.

14. To combat software piracy, Hellman's system is used to limit the number

of times that a base unit, e.g., a personal computer, is authorized to use a software program.

(Hellman, Abstract.) The system allows the manufacturer to control the number of

authorized software uses. (Id.) To that end, authorizations are made to be specific to

individual base units "so that an authorization for one base unit cannot be transferred to

another base unit." (Id.)

15. The authorization unit at the software manufacturer uses a cryptographic

function generator 23 to generate an authorization A. (See Hellman, FIGs. 1 and 2.) An

identical cryptographic function generator 38 at the base unit's cryptographic check unit 34 is

used to generate a check value C that must match the authorization A at comparator 39. (Id.,

FIGs. 6 and 7.) "If even one bit of C differs from the corresponding bit of A, then A is not

considered to be a proper authorization." (Id., 10:24-26.)

16. The cryptographic function generators 23 or 38 are an essential and critical

element of Hellman's system. Hellman's cryptographic function generators are designed to

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be highly secure and to prevent would-be copiers from generating their own authorizations.

(Hellman, 7:4-16.) Hellman describes three conventional cryptographic functions and

unequivocally states that they are "required to carry out the present invention." (Id., 2:61-

65.) Each is described next.

17. The embodiment described in FIG. 4 uses a modified Data Encryption

Standard ("DES"). (Hellman, 8:23-26.) According to Hellman, "[t]he DES would have to be

modified ... to have its key length equal to the length of SK" so that it would work in the

cryptographic function generator. (Id., 8:24-26.) Hellman teaches that this embodiment

"would also inherently have the property that the new authorizations could not be predicted

from old authorizations because, in a conventional cryptographic system, given past

plaintext-ciphertext pairs, it must have been difficult to determine the plaintext which goes

with a new ciphertext." (Id., 8:46-51.) The DES embodiment thus uses a robust and highly

secure, cryptographic algorithm to generate an authorization code sufficiently secure to meet

the rigorous needs of Hellman's system.

18. The Data Encryption Standard (DES) originated at IBM in 1977 and was

adopted by the U.S. Department of Defense. DES applies a 56-bit key to each 64-bit block of

data. DES is a widely-used method of data encryption using a private (secret) key that was

judged so difficult to break by the U.S. government that, for some time, it was restricted for

exportation to other countries. There are 72,000,000,000,000 (72 quadrillion) or more

possible encryption keys that can be used. For each given message, the key is chosen at

random from among this enormous number of keys. Like other private key cryptographic

methods, both the sender and the receiver must know and use the same private key.

19. In an alternate embodiment described in FIG. 9, "[s]ignals representing H,

R and N are presented as a message to be signed by a public key cryptosystem 43 using secret

key SK to produce the digital signature," which becomes authorization A. (Hellman, 1:42-

47.) Like the DES embodiment, a public key cryptosystem is a highly secure, robust,

cryptographic algorithm that meets the rigorous needs of Hellman's system.

20. Public-key cryptography is a cryptographic approach using asymmetric

keys — that is, the non-message information (the public key) needed to transform the

message to a secure form is different from the information needed to reverse the process (the

private key).

21. An asymmetric-key cryptosystem was published in 1976 by Whitfield

Diffie and Martin Hellman. This method of key exchange, which uses exponentiation in a

finite field, came to be known as Diffie-Hellman key exchange. Public key cryptography is a

fundamental and widely used technology around the world. It is the approach which is

employed by many cryptographic algorithms and cryptosystems. It underpins such Internet

standards as Transport Layer Security (TLS) (successor to SSL), PGP, and GPG.

22. Finally, in yet another described embodiment, Hellman discloses that

"[o]ne implementation of the cryptographic function generator 23 of FIG. 2 would also

involve a one-way hash function..." (Hellman, 8:13-15.) Again, a cryptographic one-way

hash function is a robust, highly secure, cryptographic algorithm that meets the rigorous

needs of Hellman's system.

23. In cryptography the input data for hash functions usually name a

"message" where a hash value for this message is named a "message digest." One major

feature of a cryptographic hash function is that it is "one-way." "One-Way" means that it's

impossible to find a (previously unseen) message that matches a given digest. While the

usual checksums are useful in detecting accidental modification such as corruption to stored

data or errors in a communication channel, they provide no security against a malicious agent

as their simple mathematical structure makes them trivial to circumvent. To provide a

cryptographic level of integrity, the use of a cryptographic hash function is necessary.

24. Each of the alternative embodiments that Hellman describes to implement

its cryptographic function generators 38 and 23—DES, public key encryption or

cryptographic one-way hash function—are sophisticated, cryptographically robust algorithms

that meet the rigorous needs of Hellman's system. As noted, Hellman unambiguously states

that such conventional cryptographic functions are "required to carry out the present

invention." (Hellman, 2:61-65; emphasis added.)

Grundy

25. Grundy is directed to a method and system for decentralized manufacture

of copy-controlled software. As part of Grundy's system, Grundy describes the generation of

a "registration code" that is used for communication between a new software user and what

Grundy describes as a Manufacturing Control Agency. (Grundy, 14:31-60.)

26. Of importance to this reexamination, Grundy describes the use of

checksum algorithms in the generation of certain data fields that ultimately make up the

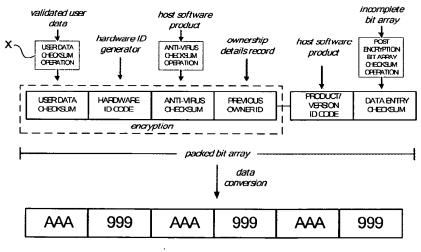
"registration code."

27. Specifically, Grundy teaches that the registration code consists of a packed

bit array "with each field of the record occupying no more bits than is necessary to encode

the information content of the field." (Grundy, 18:61-64.) There are six fields concatenated to form the registration code bit array.

- 28. The first four fields are (i) a user data checksum, (ii) a hardware ID code, (iii) an anti-virus checksum, and (iv) a previous owner's ID number. (Grundy, 18:58-61.) After these four fields are packed into the bit array, the array is encrypted, then (v) a Product/Version ID code is added, then (vi) a data entry checksum is generated for the entire array and added to the array. (Id., 19:3-12.)
- 29. Finally, the packed bit array is converted to an alpha-numeric form suitable for oral or written communication to produce the registration code. (Grundy, 19:13-18.) The block diagram in Figure A below is my interpretation of how Grundy generates the registration code, which is a packed bit array:



Registration Code

Figure A: Block diagram of Grundy's concatenated registration code

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30. As illustrated in the block labeled "X," the operation that comprises the

checksum of the user data component fields is a preliminary step for generating only the data

that will later occupy the USER DATA CHECKSUM field of the packed bit array.

31. Thus, the premise relied upon in the Second Action that Grundy produces

a registration code by "performing a checksum of the user data component fields" (Second

Action, p. 14) is not correct.

32. Further, the checksums described in Grundy are not cryptographic

functions, but rather appear to be used to check for typographical data entry errors or

transmission errors.

33. While the usual checksums are useful in detecting accidental modification

such as corruption to stored data or errors in a communication channel, they provide no

security against a malicious agent as their simple mathematical structure makes them trivial

to circumvent. To provide this level of integrity, the use of a cryptographic hash function is

necessary.

34. In one example, Grundy states for one of the checksums that "[t]his

checksum will be used by the Manufacture Control Agency to avoid operator data-entry

errors 304." (Grundy, 19:6-8; see also Grundy, 15:13-24.) For another checksum, Grundy

states that "[i]f the user data validity check 502 passes, a checksum of the user data is created

505. This checksum will be used during the Authorization process as a cross-reference to

validate the user data as communicated to the Manufacture Control Agency 310 FIG. 3."

(Grundy, 18:25-29.)

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35. Grundy thus describes several conventional uses for simplistic checksums,

which I describe in more detail next.

36. A checksum is a value that (a) is computed by a function that is dependent

on the contents of a data object and (b) is stored or transmitted together with the object, for

the purpose of detecting changes in the data. A checksum algorithm is a signature algorithm

that does not attempt to provide cryptographic protection against inversion. The term

"checksum" originally referred to checking algorithms that summed the bytes, but is now

generally used to refer to any non-cryptographic checking algorithm. 1

37. This is consistent with a contemporaneous definition of "checksum" from

the time the application leading to the '216 patent was filed, which defines a "checksum" as:

a calculated value that is used to test data integrity. Errors can occur when

data is transmitted or when it is written to disk. One means of detecting such errors is use of a checksum, a value calculated for a given chunk of data by

sequentially combining all the bytes of data with a series of arithmetic or logical operations. After the data is transmitted or stored, a new checksum can

be calculated (using the possibly faulty transmitted or stored data) and compared with the original one. If the checksums don't match, an error occurred, and the data should be transmitted or stored again; if they do match,

the transmission or storage was probably error-free. Checksums are a simple validation mechanism, and they cannot be used to correct erroneous data.²

38. Grundy's use of checksums is consistent with their conventional use in

data entry error checking and identifying possible transmission errors.

¹ Computer Dictionary, The Comprehensive Standard for Business, School, Library,

and Home, Microsoft Press (1991) (Exhibit P-2).

² See also Bauspiess and Damm, Requirements for Cryptographic Hash Functions,, Computers & Security, 427-437, Vol. 11 (1992) (Exhibit P-3), and Paul Fahn, Answers to Frequently Asked Questions About Today's Cryptography, RSA Laboratories, (Sept. 1992) (Exhibit P-4).

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39. Grundy's checksums are quite distinct from cryptographic functions,

which are used for different applications. If Grundy's checksums were to be used for security

applications, for example, they would be vulnerable to attack. For example, a checksum's

linearity may be exploited by a malicious adversary.

Evaluation of the Factual Basis Underlying the Proposed Modification of Hellman in

View of Grundy

40. The Second Action makes a number of factual assertions regarding

Hellman and Grundy with which I disagree.

41. The Examiner states that "it is noted that Hellman stresses that the use of

alternative algorithms might be advantageous, particularly an algorithm that could be

computed more rapidly...." (Second Action, p. 14; citing Hellman, 7:67 – 8:12.) Because

the discussion is in the context of generating a unique ID, I presume that the Examiner is

referring to alternative algorithms to be used in Hellman's cryptographic function generator.

42. This is confirmed in the next paragraph in the Second Action, where the

Examiner states that "Grundy discloses an analogous algorithm for unique ID generation,

wherein the unique ID, a registration code, is produced by performing a checksum of the user

data component fields...." (Second Action, p. 14, citing Grundy, 15:3-23 and 18:25-29.)

43. The Examiner then concludes that "[t]herefore, it would have been

obvious to modify the invention of Hellman by using an algorithm ... having summation, as

taught by Grundy, that could be computed more rapidly." (Second Action, p. 14.)

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44. I believe that the factual premises on which the Examiner relies to support

the conclusion that one of ordinary skill in the art would have modified Hellman's

cryptographic function generator to use the checksum algorithms described by Grundy are

technically incorrect. I also, therefore, disagree with the conclusion itself.

45. First, when Hellman is referring to alternative algorithms that could be

computed more rapidly, I understand Hellman to be referring to the "one-way hash function

22," and not to the cryptographic function generator, as alleged by the Examiner. This is

facially apparent from Hellman itself when one reads the entire context surrounding the

portion upon which the Examiner relies (Hellman, 7:67 – 8:12). The paragraphs immediately

preceding the portion on which the Examiner relies (Hellman, 7:31-66) clearly refer to the

one-way hash function 22 and not to the cryptographic function generator 23. The Examiner

has thus misinterpreted Hellman.

46. Second, Grundy's checksums are not analogous functions to those used in

Hellman's cryptographic function generator. As I have explained above, they simply do not

rise to the class of cryptographic function that Hellman states are "required to carry out the

present invention" (Hellman, 2:61-65).

47. For example, a cryptographic hash function may have the following

significant characteristics:

• Preimage resistance: Given a hash H it should be difficult to find any message M such that H=hash(M). This concept is related to that of one-way function.

Functions that lack this property are vulnerable to preimage attacks.

Second preimage resistance: Given an input M1 it should be difficult to find another input M2 — where M1 \neq M2— such that hash(M1) = hash(M2). This

another input Mi2 — where Mi \neq Mi2— such that hash(Mi) = hash(Mi2). This property is sometimes referred to as weak collision resistance, and functions that

lack this property are vulnerable to second preimage attacks.

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• Collision resistance: It should be difficult to find two different messages M1 and M2 such that hash(M1) = hash(M2). Such a pair is called a cryptographic hash collision. This property is sometimes referred to as *strong collision resistance*. It

requires a hash value at least twice as long as that required for preimage-resistance.

48. Cryptographic hash functions are therefore computationally demanding.

They are typically used in contexts where it is necessary for users to protect themselves

against the possibility of forgery by a malicious adversary.

49. Public key encryption and DES, which are mentioned by Hellman, also

share similar cryptographic features as the described cryptographic hash function. They are

also, by design, computationally expensive.

50. For the above noted reasons, I disagree with the factual premises on which

the Examiner relies to justify modifying Hellman's cryptographic function generator by

replacing its cryptographic functions with the checksum algorithms described by Grundy.

The Examiner has technically misinterpreted Hellman. And that misinterpretation

notwithstanding, Grundy's checksum algorithms simply do not provide cryptographic

functions that Hellman explicitly states are required to carry out his invention.

51. For these reasons, I disagree with the Examiner's conclusion that a person

of ordinary skill in the art would have modified Hellman's cryptographic function generators

by replacing them with the checksum algorithms described by Grundy. If one were to

combine Hellman and Grundy in the manner suggested by the Examiner, it would render

Hellman inoperable for its intended purpose.

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I hereby declare 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, and that such willful false statements may jeopardize the validity of the '216

patent.

Executed this 17th day of March 2011 in College Station, Texas.

Respectfully submitted,

Dr. Udo W. Pooch

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Exhibit P-1 Dr. Udo W. Pooch Curriculum Vitae

UDO W. POOCH

As of: July 9, 2010

I. CONTACT INFORMATION

A. Work

Professor Emeritus, Computer Science

Texas A&M University

Computer Science Department

College Station, Texas 77843

(979) 845-5498

(979) 847-8578 (fax)

pooch@cs.tamu.edu (e-mail)

B. Home

1801 Lawyer Place

College Station, Texas 77840

(979) 693-6115

(979) 764-7982 (fax)

II. PERSONAL INFORMATION

Birth date: April 20, 1943

Birthplace: Berlin, Germany

Citizenship: U.S.

Security Clearance: Secret (DoD)

III. EDUCATION:

Ph.D., Theoretical Physics, University of Notre Dame, 1969

B.S., Physics, University of California (L.A.), 1963

IV. PROFESSIONAL LICENSES:

Registered Professional Engineer, (Texas) License No. 38659 (1973)

V. PROFESSIONAL INTERESTS

Computer Science

- Operating Systems
- Fault Tolerant Systems
- Performance, Measurement and Evaluation
- Computer Networks and Data Communications
- Real-time Systems
- Computer Architecture
- Computer Law
- Computer System Security
- Artificial Intelligence
- Simulation

Operations Research

Theoretical Physics

Psychometrics and Statistics

VI. SOCIETIES

A. Professional Societies:

Association of Computing Machinery

- SIGMAP
- SIGGRAPH
- SIGACGI
- SIGBDP
- SIGME
- SIGMICRO
- SIGPLAN
- SIGOPS
- SIGMINI
- SIGART
- SIGACT
- SIGARCH

Simulation Councils, Inc.

SIAM

Operations Research Society of America

American Statistical Association

IEEE/CS (Senior Member - elected 1982)

B. Honor Societies:

Sigma Xi

Upsilon Pi Epsilon

Sigma Pi Sigma

VII. EXPERIENCE:

A. Educational:

Professor Emeritus of Computer Science, Computer Science Department, Texas A&M University, June 2009 - present

Endowed E-Systems Professorship of Computer Science, January 1993 – August 2008, Computer Science Department, Texas A&M University

Professor of Computer Science, Computer Science Department, Texas A&M University, September 1980- May 2009.

Associate Professor of Computer Science, Industrial Engineering Department, Texas A&M University, September 1974 - August 1980.

Visiting Professor of Computer Science, University of Hawaii, Summer 1976, Summer 1977.

Technical Coordinator, Summer Institute of Minicomputers, Texas A&M Extension Service, Summer 1976, Summer 1977.

Instructor, University Extension, University of California at Santa Cruz, 1973, 1974.

Computer Consultant, Texas Transportation Institute, Texas A&M University, September 1971 - 1973.

Member, Computer Science Consultation Group, Texas A&M University, February 1970 - 1972.

Member, Graduate Faculty, Texas A&M University, September 1969 - present.

Assistant Professor of Computer Science, Industrial Engineering Department, Texas A&M University, September 1969 - 1974.

Research Assistant, University of Notre Dame, 1968 - 1969.

Teaching Assistant, University of Notre Dame, 1966 - 1968.

B. Industrial:

Consultant, Comspect, Inc., Houston, Texas, 1973 - 1978.

President, Micro Systems Technology Inc., College Station, Texas 1978 - present.

Partner, Applied Computing, Bryan, 1973 - present.

President, Independent Computer Consultants Inc., College Station, Texas, 1973 - present.

Consultant, USAF via QUEST Research Corp., 1971 - 1978.

Consultant, Computer Graphics International, 1969 - 1970.

Independent Consultant in Computer and Operations Research Field, Decision System Associates, Inc., (3 1/2 years).

Consultant, Telic Computers International, Dallas, 1983.

Consultant, Tracor, 1984, 1988.

Consultant, NASA-Marshall Space Flight Center, 1983-1984.

Consultant, U.S. Air Force Electronic Security Command, 1984.

Consultant, IBM (FSD)-NASA, 1984-1985.

Consultant, IBM - Austin (University Education), 1981-1985.

Consultant, IBM - Quality Institute, Danbury Connecticut, 1984 - 1986.

U.S. Air Force Scientific Advisory Board, Member, 1986 - 1987.

R&D Council on Advertising Performance, Research & Development, Member, 1986 - 1987.

Panelist, National Research Council Office of Scientific and Engineering Personnel, Fellowship Programs, 1989-90.

Consultant to Tracor, Austin (1988), Technology Forecast for US Air Force.

Reviewer, Program Evaluation, Commissioner of Higher Education

- Missouri (1989,1990)
- Louisiana (1989)

Member, IEEE 802.x Standard Committee, 1991-92.

Member, TCOS and Application Environments, Standards Subcommittee (TCOS-SS), 1991-92.

Voting Member, IEEE Computer Standards Committee, P802, 1989-present.

Subcontractor to the following:

Merle Collins Foundation (1977) - Design and Development of PASCAL Compilers/Run time environment for H3000.

Waterways Experiment Station, Corps of Engineers (1990-91), via EHI, Houston

D. Ben and Associates (1990-91, 93, 94, 95)

USAF via Tracor (1984,1988)

USAF via PRC, Inc. (1992, 93)

IRS (1993-94, 95)

PRC (1993-94)

IBM

C. Expert Witness:

Hughes & Hill Law Firm, Dallas, 1981 (Dave Bryant).

Winstead & McGuire Law Firm, Dallas, 1982 (Ted Minnick).

Orndorff and Levy, Boise, Idaho, 1982 (Owen Orndorff).

Seyfarth, Shaw, Fairweather & Geraldson, Chicago Law Firm 1982 (Mr. Ray J. Kelly).

Shank, Irwin, Conant & Williamson, Dallas, 1982 (Mr. Robert Cousins, Jr.).

Shank, Irwin, Conant & Williamson, Dallas, 1984 (Bob Middleton).

Jones and Day, Dallas, Texas, 1983 - 1984 (Bob Middleton).

Jenner and Block, Chicago, Illinois, 1983 - 1984 (Ted Tetzlaff, John Mathias).

Kemp, Smith, Duncan, and Hammond, El Paso, 1983 - 1984 (Link Beck).

Barnes & Thornburg, Indianapolis, Ind., 1985 (Jim Cole).

Stutzman & Bromberg, Dallas, 1985 (Sander Esserman).

Vance, Bruchez & Goss, Bryan, 1985 (Jay Goss).

Taylor, Hays, Price, McConn & Pickering, Houston, 1986 (Jim McConn).

Hughes & Luce, Dallas, 1986 (Cliff Hutchinson & Eric Cromartie).

D.Lindsay and Law Associates, Lubbock, 1986 (Darryl Lindsay).

Vogel and Law Associates, Dallas, 1988 (Peter Vogel).

Baker, Mills and Glast, Dallas, 1988 (Bob Middleton).

Barnes & Thornburg, Indiana, 1989 (Ryan M. Fountain).

Vogel and Law Associates, Dallas, 1989-90 (Peter Vogel).

Baker, Mills and Glast, Dallas, 1989 (Bob Middleton).

Jenner and Block, Chicago, Illinois, 1989-90 (Ron Wanke; Eric Weimers).

Graves, Dougherty, Hearn & Moody, Austin, 1989-90 (Don Donaldson).

M. Hirsch and Law Associates, Houston, 1990-91 (Michael Hirsch).

Sussman & Godfrey, Houston, 1990 (Randall W. Wilson).

Graves, Dougherty, Hearn & Moody, Austin, 1990(John Anderson; Karen Peck).

Hughes & Luce, Dallas, 1990 (Cliff Hutchinson).

Baker, Glast & Middleton, Dallas, 1990 (Bob Middleton).

Baker, Glast & Middleton, Dallas, 1990 (Jerry Selinger).

Vinson & Elkins, Dallas, 1991 (Jerry Selinger).

Jenner and Block, Chicago, 1991-92 (James Ryndak).

Vial, Hamilton, Koch & Knox, Dallas, 1991-92 (Bruce Monning).

Carrington, Coleman, Sloman, & Blumenthal, Dallas, 1992 (Mak Werbner).

Vial, Hamilton, Koch, & Knox, Dallas, 1992 (Jim Pickles).

Gardner & Ferguson, San Antonio, 1992 (Thomas Walthall).

Carrington, Coleman, Sloman, & Blumenthal, Dallas, 1993 (Jim Mateer).

Kilgore & Kilgore, Dallas, 1993 (Mr. Hewitt).

Hewitt & Hewitt, Dallas, 1993-94 (Mr. Hewitt).

Vinson & Elkins, Dallas, 1993 (Mr. Jerry Selinger).

Vinson & Elkins, Houston, 1993-94 (Mr. Scott Browne).

Carrington, Coleman, Sloman & Blumenthal, Dallas, 1993 (Jeffrey Mateer)

Vial, Hamilton, Koch & Knox, Dallas, 1994 (Mr. Michael Farris).

Vial, Hamilton, Koch & Knox, Houston, 1994 (Chuck Serafino)

Gardere & Wynne, Dallas, 1994 (Scott Davis, Peter Vogel)

Jones, Day, Reavis & Pogue, Dallas, 1994 (Robert Meyers)

Hughes & Luce, Dallas, 1994 (Eric Cromarti)

ACS, Dallas, 1994 (David Pace)

Montgomery, McCracken, Walker & Rhoads, Philadelphia, 1994 (Charles Casper, Peter Breslauer)

Preston, Gates & Ellis, Seattle, 1994 (Thomas Kelly)

Locke, Purnell, Rain & Harrell, Austin, 1994 (Gerry Keys)

Locke, Purnell, Rain & Harrell, Dallas, 1994 (Harriet Miers)

Gardere, Wynne, Sewell & Riggs, Houston, 1995 (Nancy Brown)

Carrington, Coleman, Sloman & Blumenthal, Dallas, 1995 (Steve Pierce, Lyndon Bittle)

Vial, Hamilton, Koch & Knox, Dallas 1995, (Bob Middleton)

Rick Nelson, Dallas, 1995 (Rick Nelson)

Don Hawbaker, Houston, 1995 (Don Hawbaker, Mike Hirsch)

Carrington, Coleman, Sloman & Blumenthal, Dallas, 1995 (Jeff Mateer)

Rosenthal, Reynolds, Mateer & Shaffer, Dallas, 1995 (Jeff Mateer)

Derryberry, Quigley, Parrish Solomon & Blankenship, OKC, 1995 (Steve Solomon, Bill Velotta)

Gardere, Wynne, Sewell & Riggs, Houston, 1995 (Robert Meadows, Nancy Brown)

Vinson & Elkins, Houston, 1995 (Clark Martin)

(Sonat), Houston, Houston, 1995 (Danetta Beaushaw)

Baker & Botts, Houston, 1995 (Phil John, Paul Elliot, Cindy Vreelander)

Baker & Botts, Houston, 1995 (Cindy Vreelander)

Gardere & Wynn, Dallas, 1995 (Peter Vogel, Dawn Estes)

Spielman & Associates, Houston, 1996 (Earl Spielman).

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Susman Godfrey, Dallas, 1997 (Terrell Oxford).

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Susman Godfrey, Houston, 1998 (Jonathan Ross).

Townsend, Townsend & Crew, Palo Alto, 1998 (Daniel Furniss).

McCaulay, McDonald and Devin, Dallas, 1998 (Tod Betanzos).

Womble, Carlyle, Sandridge & Rice, Charlotte NC, 1998 (Jay Johnson).

Carrington, Coleman, Sloman & Blumenthal, Dallas, 1998 (Chris Scanlan).

Packard, Packard & Johnson, Salt Lake City, 1998 (Craig Johnson).

Locke, Liddell & Sapp, Dallas, 1999 (Jerry Clements).

Kleberg Law Firm, San Antonio, 1999 (Robert Wachsmuth).

Craxath, Swaine & Moore, New York, 1999 (Paul Saunders).

Sussman Godfrey, Dallas, 1999 (John Helius).

Reaud, Morgan & Quinn, Beaumont, 1999 (Hubert Oxford).

Locke, Liddell & Sapp, Houston, 1999 (Mathews Reeves).

Baker & Botts, Dallas, 1999 (Larry Carlson).

Carrington, Coleman, Sloman & Blumenthal, Dallas, 1999 (James Cox).

Mayer, Brown & Platt, Houston, 1999 (Terri Griffiths).

DeWayne Layfield, Beaumont, 1999 (DeWayne Layfield).

Orgain, Bell & Tucker, Beaumont, 1999 (Gary Reger).

Fieldman, Hay & Ullman, New York, 1999 (Anthony Ullman).

Fred Misko, Dallas, 1999 (Fred Misko).

Kelly, Hart & Hallman, Fort Worth, 2000 (Roger Diseker).

Vinson & Elkins, Houston, 2000 (William LaFuze).

Bickel & Brewer, Dallas, 2000 (Kennedy Barnes).

Coats, Rose, Yale, Ryman & Lee, Houston, 2000 (Byron Lee).

Coats, Rose, Yale, Ryman & Lee, Houston, 2000 (Byron Lee). [Separate case]

Jenkens & Gilchrest, Houston, 2000 (Lisa Meyerhoff).

Howrey, Simon, Arnold, & White, Houston, 2000 (Gordon White).

Morris, Manning & Martin, Atlanta, 2000 (Joseph Manning).

Littler Mendelson, Houston, 2000 (Kerry Notestine).

Coats, Rose, Yale, Ryman & Lee, Houston, 2000 (Dan Shanks).

Winston and Strawn, Chicago, 2000 (Thomas Wiegand).

M. Fletcher Reynolds, Dallas, 2000 (M. Fletcher Reynolds).

Locke, Liddell and Sapp, Dallas, 2000, (Peggy Hall).

Haynes and Boone, Dallas, 2001, (David McCombs).

Jenkins and Wilson, Durham, 2001, (Gregory Hunt).

Fletcher and Springer, Dallas, 2001, (Lenny Vitullo).

Malesovas, Martin, and Tekell, Waco, 2001, (John Malesovas).

Susman Godfrey, Dallas, 2001, (Barry Barnett).

Law, Snakard, and Gambill, Forth Worth, 2001, (Ed Huddleston).

Haynes and Boone, Dallas, 2001, (Phillip Philbin).

Wickwire Gavin, Vienna, 2001, (Brian Waagner).

Bracewell and Patterson, Houston, 2001, (John Edmonds).

Michael A. Hirsch, Houston, 2002, (Michael A. Hirsch).

Locke Liddell and Sapp, Dallas, 2002, (Jerry Clements).

Haynes and Boone, Dallas, 2002, (Don Templin).

Fennigan, Henderson, Favabrow, Garrett and Dunner, Washington DC, 2002, (Dan Binstock).

Seigfreid, Bingham, Levy, Selzer and Gee, Kansas City, 2002, (Paul Schepers).

Orgain, Bell and Tucker, Beaumont, 2002, (Gary N. Reger).

Carrington Coleman Sloman & Blumenthal, Dallas, 2003, (James Cox)

Heller Ehrman White & McAuliffe, San Francisco, 2003 (Chris Martiniak, Robert Fram)

Sussman Godfrey, Dallas, 2003, (Barry Barnett, Ophelia Camina)

Vinson Elkins, Houston, 2003, (John Edmonds, Scott Fletcher)

Brown McCarroll, Dallas, 2003, (Blake Bailey)

Stone Pigman Walther Wittman & Hutchison, New Orleans, 2003, (John Landis)

Vinson & Elkins, Houston, 2003, (Steve Borgman)

Warren & Kennedy, Irving, 2003, (Stephen Kennedy, Ruben DeLeon)

Blakeley & Reynolds, San Antonio, 2003, (Brett Reynolds)

Malesovas & Martin, Waco, 2003, (John Malesovas)

Fee, Smith, Sharp & Vitullo, Dallas, 2003, (Anthony Vitullo)

The Reaud Law Firm; Orgain, Bell & Tucker; Beaumont, 2003, (Gary Reger, DeWayne Layfield)

Freedman Boyd Daniels Hollander Goldberg & Cline, Albuquerque, 2003, (John Boyd)

Fine Kaplan & Black, Philadelphia, 2003, (David Romine)

Greenberg & Traurig, Phoenix, 2003, (Jeffrey Walsh)

Anthony Ostlund & Baer, Minneapolis, 2003, (Joseph Anthony)

LeBoeuf Lamb Greene & MacRae, Boston, 2003, (Allen Horsley)

Lamson Law Firm, Houston, 2003, (Mike Lamson)

Hogan & Hartson, New York, 2003, (Frank Spano)

Godwin Gruber, Dallas, 2003, (Michael Gruber)

Edwards & Angel, Boston, 2003, (Barbara Moore)

Hughes & Luce, Dallas, 2003, (Mark Sales)

Baren Riley Warnock & Jacobson, Nashville, 2004, (Steven Riley)

Geiser & Johnston, Birmingham Ala., 2004, (Ron Geiser)

Winstead Sechrest & Minik, Dallas, 2004 (Daniel Perez)

Anthony Ostlund & Baer, Minneapolis, Minn., 2004 (Richard Ostlund)

Liesler Meyer, San Francisco, CA (Thomas Ward)

Blake, Dawson, & Waldron, Syney, Australia, 2005 (Sophie Dawson)

Wong Abello, Houston, Texas, 2005 (Lou Brucceleri)

Rogers & Hardin, Atlanta, Georgia, 2005 (Dan Zegura)

David Goodman & Madole, Dallas, Texas, 2005 (Bob Palmer)

Herum Crabtree Brown, Stockton, CA, 2005 (Jennifer Whipple)

Coats Rose Yale Ryman, Houston, Texas, 2005 (James Collura)

Susman Godfrey, Dallas, Texas, 2006 (Michael Fritz)

Womble Carlyle Sandridge & Rice, Winston Salem, NC, 2006 (Michael Sullivan)

Potter Law Group, Indianapolis, Ind., 2006 (James Geiger)

Fish & Richardson, San Diego, CA, 2006 (John Guist)

Susman Godfrey, Houston, Texas, 2006 (Michael Lee)

Susman Godfrey, Houston, Texas, 2006 (Stephen Susman)

Susman Godfrey, Dallas, Texas, 2006 (Ophelia Camina)

Stippe, Brussels, Belgium, 2007 (Frederic Debussere)

Susman Godfrey, Houston, Texas, 2007 (Brian Melton)

Mathews, Lawson, Bowick & Al-Azem, Houston, Texas, 2007 (Guy Matthews)

Godwin, Pappas, Ronquillo, Fort Worth, Texas, 2007, (Bruce Bowman)

Susman Godfrey, Dallas, Texas, 2007 (Ophelia Camina)

McKool Smith, Dallas, Texas, 2007 (Jason Cassady)

Darby & Darby, Seattle, Washington, 2007 (David Tellekson)

Law Offices Stephan Kennedy, Dallas, Texas, 2008 (Stephen Kennedy)

Etheridge Law Group, Southlake, Texas, 2009 (Jim Etheridge)

Chernoff, Vilhaner, McClung & Stenzel, Portland, Oregon, 2009 (Kevin Russell)

Dovel & Luner, Santa Monica, California, 2009 (Richard Lyon, III)

Irell & Manella, Los Angeles, California, 2009 (Christopher Kennedy)

Baker & McKenzie, Houston, Texas, 2010 (Myall S. Hawkins)

Cooley, Godward, Kronish, San Francisco, California, 2010 (James P. Brogan)

King Spalding, Atlanta, Georgia, 2010 (Chad Pannell)

D. Military:

USMC 1963 - 1966 CPL. (Honorable Discharge)

Research Assistant and Computer Programmer Involved in Approximately 20 Major Military Operations Research Programs.

Meritorious Commendation and Award: Commanding General, USMC, San Diego, 1966.

Letter of Commendations; Officer in Charge, U.S. Naval Personnel Research Activity, 1966.

VIII. PUBLICATIONS:

A. Thesis

"Broken Internal Symmetries and Mass Sum Rules in S-Matrix Theory," Thesis-University of Notre Dame, 1969.

B. Books, Book Chapters, and Contributions to Books

Monograph-Microprocessors, Microprogramming, and Minicomputers, Editor with R. Chattergy. Western Periodicals. September 1977.

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- "The Design of a Computer Throughput and Output Processing Simulation Systems," *Computer Science Conference*, Columbus, Ohio, February 20, 1973.
- "A General Purpose Microprogrammable Emulator," 1973 Southwestern Institute of Electrical and Electronics Engineers Conference, Houston, April 4-6, 1973.
- Pedestrian Injury Models, *Third International Congress on Automobile Safety*, July 15-17, 1974, San Francisco, California.
- "A Performance Optimization Model of Processor Scheduling," Co-authored with T. Cary, 8th Hawaii International Conference on System Science, January 7-9, 1975.
- "Self-Adaptive Teleprocessing Network Design,", Co-authored with H. Livings, *Proc. Trends and Applications 1975: Computer Networks* (NBS-IEEE sponsored) Gaithersburg, Maryland, June 18, 1975.
- "A Generalized Optimization Search Procedure for Multiple Subsystem Scheduling," Coauthored with Thomas Reeves, *Proc. 1975 Summer Computer Simulation Conference*, San Francisco, California, July 21-23, 1975.
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- "An Adaptive File Management System," Co-authored with Dennis Dance, *Proc. Second National Symposium on the Management of Data Elements in Information Processing*, NBS, Washington, D.C., October 23-24, 1975.
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- "Axiomatic Theory of Graphics Operators," Co-authored with F. Menkello, 4th Texas Conference on Computer Systems, Austin, Texas, November 17-18, 1975.
- "Minicomputer System Selection and Evaluation: Part I: Procedure," 4th Texas Conference on Computer Systems, Austin, Texas, November 17-18, 1975.
- "Minicomputer System Selection and Evaluation: Part II: Example of Procedure," 4th Texas Conference on Computer Systems, Austin, Texas, November 17-18, 1975.
- "An Application of a General Purpose Microprogrammable Emulator," 9th Hawaii International Conference on System Science, January 6-8, 1976, Honolulu, Hawaii.
- "Modelling, Simulation and Validation of Computer Systems A Tutorial," 9th Hawaii International Conference on System Science, Honolulu, Hawaii, January 6-8, 1976.
- "Time-sharing Analysis Combining Processor Scheduling and Memory Resources," Co-authored with E. McCarthy, *ORSA/TIMS Special Interest Conference on Scheduling*, Orlando, Florida, February 4-6, 1976.

- "A Generalized Iterative Optimization Procedure," *Ninth Annual Simulation Symposium*, Tampa, Florida, March 17-19, 1976.
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- "A User-Oriented Computer Graphics Systems," *Third Annual Computer Graphics Conference*, Philadelphia, Pennsylvania, July 14-16, 1976.
- "A Heuristic Teleprocessing Network Design Technique," Co-authored with Hal Livings, 4th Annual Symposium on the Simulation of Computer Systems, Boulder, Colorado, August 10-12, 1976.
- "Dynamic Clustering Strategy in a Demand Paging Environment," 4th Annual Symposium on the Simulation of Computer Systems, Boulder, Colorado, August 10-12, 1976.
- "Modified Locality Matrix Model (MLMM) Dynamic Clustering Strategy in a Demand Paging Environment," Co-authored with David Burris, *Proc. National ACM Conference*, Houston, Texas, October 20-22, 1976.
- "An Analytical Page Fault Model Combining Processor Scheduling and Memory Resources," Co-authored with Edmond McCarthy, *Fifth Texas Conference on Computing Systems*, Austin, Texas, October 18-19, 1976.
- "The Implication of a Programmable Bus Architecture on Microprogramming," Co-authored with Dan D. Drew, Invited paper to *HICSS-10* (10th Hawaii International Conference on System Science), January 5-7, 1977, Honolulu, Hawaii. Also, in a Monograph (Eds: U.W. Pooch and Rahul Chattergy) Microprocessors, Microprogramming, and Minicomputers, Western Periodicals, September 1977.
- "A Simulation Study of the IBM 370/168 and AMDAHL 470V/6", Co-authored with Gerald Adkins, *Tenth Annual Simulation Symposium*, Tampa, Florida, March 16-18, 1977.
- "Performance Measuring for On-line Data Base Systems," First Annual Army Software Symposium, Ft. Belvoir, Virginia, May 23-24, 1977.
- "A Proposed Program for Continuing Education for the IEEE Computer Society," Co-authored with Dr. Rahul Chattergy, *Computer Science and Engineering Model Curricula* Workshop, Williamsburg, Virginia, June 6-7, 1977.
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- "A Distributed Function Computer for Time-sharing," Co-authored with Rahul Chattergy. *Compcon* (Fall) 1977, Washington, D.C., September, 1977.
- "Dynamic Cluster Model," Co-authored with David Burris. ACM National Conference, 1977, Seattle, Washington, October, 1977.
- "Model of a Multiprogrammed Computer System with a Multilevel Memory Hierarchy," Co-authored with Don Warner. *ACM National Conference*, 1977, Seattle, Washington, October, 1977.
- "Evaluation of Virtual Memory Paging Systems," Co-authored with Tom Nute. 6th Texas Conference on Computer Systems, Austin, Texas, November, 1977.
- "An Extension of the Central Server Model," Co-authored with Don Warner. 1977 Winter Simulation Conference, Gaithersburg, Maryland, December 1977.
- "Minicomputers Microcomputers: A Role in Data Communication," Co-authored with G.N. Williams. *HICSS* 11, Honolulu, Hawaii, January 1978.
- "Real-time Applications which can be Implemented with Minicomputers and /or Microcomputers," Co-authored with Don Warner, *HICSS 11*, Honolulu, Hawaii, January 1978.
- "Education/Training: A Continuing Education Outlook," Co-authored with R. Chattergy, Problems of the 80's: The Oregon Report on Computing, March 20-22, 1978 Portland, Oregon.
- "A Computer Page Fault Analysis Using Analytical, Simulation, and Real System Data," Coauthored with G. Adkins, G.N. Williams. *Invited paper to ORSA*, New York, NY, May 1978.
- "A Simulation Model for Arbitrarily Connected Communications Networks," Co-authored with R. Chattergy and Charles Neblock. *Invited paper to ORSA*, New York, NY, May 1978.
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