



2. I am an associate with the law firm of Kelley Drye & Warren LLP, counsel to Plaintiff Triantafyllos Tafas (“Dr. Tafas”) in this action.

3. I make this declaration for the limited purpose of authenticating the attached exhibits. To the best of my knowledge, the documents attached hereto, which I have reviewed, are publicly accessible except the documents found in the Administrative Record and Exhibit 29 which I obtained from a member of my firm.

4. Based on my review of the exhibits attached hereto, and my confirmation that such documents are publicly-available on the internet, I assert that:

5. Exhibit 1 is a true and accurate excerpt of the Administrative Record.

6. Exhibit 2 is a true and accurate excerpt of the Administrative Record.

7. Exhibit 3 is a true and accurate excerpt of the Administrative Record.

8. Exhibit 4 is a true and accurate excerpt of a presentation made by John M. Whealan concerning the Role of the Solicitor’s Office.

9. Exhibit 5 is a true and accurate excerpt of a Duke University Law School webcast search conducted on November 25, 2007 concerning webcasts pertaining to John Whealan.

10. Exhibit 6 is a true and accurate excerpt of a web blog article published on the website [ipbiz.blogspot.com](http://ipbiz.blogspot.com), retrieved on November 25, 2007, concerning USPTO proposed rulemaking on continuing applications.

11. Exhibit 7 is a true and accurate excerpt of a presentation made by John M. Whealan on behalf of the USPTO, concerning the proposed reform of continuation practice and the use of representative claims.

12. Exhibit 8 is a true and accurate excerpt of an article published by IPL Newsletter in its Volume 24, Number 4, Summer 2006 issue concerning the summer IPL conference.

13. Exhibit 9 is a true and accurate excerpt of a web article with following comments published on the website <http://www.promotetheprogress.com>, under PatentFizz FirstPage Reports, retrieved on December 5, 2007, concerning software infiltration in the Patent and Trademark Office.

14. Exhibit 10 is a true and accurate excerpt of an American Intellectual Property Law Association program pamphlet from a 2006 Annual Meeting on October 19-21, concerning various intellectual property topics.

15. Exhibit 11 is a true and accurate excerpt of a web blog article published on the website <http://www.patenthawk.com> on June 23, 2007, retrieved on November 25, 2007, concerning accountability in the Office of Management and Budget (“OMB”).

16. Exhibit 12 is a true and accurate excerpt of an Institute of Continuing Legal Education 2007 Intellectual Property Spring Seminar Schedule, published on the website <http://www.icle.org>, retrieved on November 25, 2007, concerning various intellectual property topics.

17. Exhibit 13 is a true and accurate excerpt of a presentation made by John Joseph Love on March 19, 2007, concerning present & future perspectives of the USPTO.

18. Exhibit 14 is a true and accurate excerpt of a public session, conducted by the USPTO on November 9, 2006, concerning the Patent Public Advisory Committee Meeting.

19. Exhibit 15 is a true and accurate excerpt of a web article published on the website <http://www.uspto.gov>, by the USPTO, retrieved on December 3, 2007, concerning the USPTO's new initiative proposals.

20. Exhibit 16 is a true and accurate excerpt of the OIRA Conclusion of EO 12866 Regulatory Review, received on July 15, 2005, concerning changes to practice for the Examination of claims in patent applications.

21. Exhibit 17 contains two true and accurate video excerpts of speeches made by John M. Whealan at Duke University School of law in February of 2006; the first concerning the changing policies and systems of the USPTO; the second concerning patent reform.

22. Exhibit 18 is a true and accurate excerpt of correspondence forwarded to various persons at the USPTO and made available to the public by Ron D. Katznelson, Ph.D., on October 15, 2007, concerning the rules of practice before the Board of Patent Appeals and Interferences in Ex Parte Appeals.

23. Exhibit 19 is a true and accurate excerpt of a chart included in an AIPLA Report of the Economic Survey 2005 concerning typical attorney charges for the various services listed.

24. Exhibit 20 is a true and accurate excerpt of a 2005 Economic Survey by AIPLA of September 14, 2005, concerning a questionnaire given to private practitioners including typical charges and costs.

25. Exhibit 21 is a true and accurate excerpt of a presentation made by Robert J. Spar on October 11, 2007 concerning an overview of major issues and concerns regarding the final USPTO Rules on Claims and Continuations.

26. Exhibit 22 is a true and accurate continued excerpt of a presentation made by Robert J. Spar on October 11, 2007 concerning an overview of major issues and concerns regarding the final USPTO Rules on Claims and Continuations.

27. Exhibit 23 is a true and accurate excerpt of an SF-83 Supporting Statement by the USPTO concerning patent processing.

28. Exhibit 24 is a true and accurate excerpt of an OMB OIRA Conclusion Report made on July 26, 2007 concerning information collection.

29. Exhibit 25 is a true and accurate excerpt of an OMB Agency Submission Report made on September 26, 2007 concerning information collection.

30. Exhibit 26 is a true and accurate excerpt of a statement made by Jon W. Dudas on April 21, 2005, concerning the patent system.

31. Exhibit 27 is a true and accurate excerpt of a statement made by Jon W. Dudas on April 5, 2006, concerning patent quality enhancement.

32. Exhibit 28 is a true and accurate excerpt of an email from John Collier to Robert Bahr on May 8, 2007, concerning the AIPLA definition of “minimal complexity”.

33. Exhibit 29 is a true and accurate excerpt of a Nerac Project Proposal made on November 13, 2007, concerning the various steps involved with conducting a search which would conclude with the creation of a software ESD.

34. Exhibit 30 is a true and accurate excerpt of the Federal Register.

35. Exhibit 31 is a true and accurate excerpt of the Federal Register.

36. Exhibit 32 is a true and accurate excerpt from the Transcript of Motion Hearing of October 31, 2007, in the United States District Court of Virginia Alexandria Division, concerning the SmithKline Beecham v. Jon W. Dudas, et al. matter.

37. Exhibit 33 is a true and accurate excerpt from a presentation concerning the patent applications filed by Thomas Edison and the relevant data.

38. Exhibit 34 is a true and accurate excerpt from a website article published on the website <http://www.niproa.org> concerning the new claims and continuation rules at the USPTO.

39. Exhibit 35 is a true and accurate excerpt from research conducted by California Universities and Massachusetts Institute of Technology concerning patents issued since 2000 with comparisons made to Rule75(B) violations.

40. Exhibit 36 is a true and accurate excerpt from research conducted by the Department of Commerce concerning patents issued with comparisons made to Rule 75(B) violations.

41. Exhibit 37 is a true and accurate excerpt from an email from Gregory Morse to Robert Bahr on March 22, 2007, concerning the number of patent applications currently "backlogged".

42. Exhibit 38 is a true and accurate excerpt from an OMB Information Collection report concerning Examination Support Document requirements.

43. Exhibit 39 is a true and accurate excerpt from the Certification Analysis Under the Regulatory Flexibility Act by ICF International for the USPTO on June 29, 2007, concerning changes to practice for continued examination filings and related matters.

44. Exhibit 41 is a true and accurate excerpt of an email from Gregory Morse to John Doll on March 14, 2007, concerning continuation and continuation-in-part filing numbers.

45. Exhibit 42 is a true and accurate excerpt of the Administrative Record.

46. Exhibit 43 is a true and accurate audio recording of a Town Hall meeting sponsored by AIPLA, on April 7, 2006, concerning the proposed patent rules.



**VERIFICATION**

Except as stated to be on information and belief, the undersigned hereby verifies and declares under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing statements are based on my personal knowledge and true and correct to the best of my knowledge, information and belief.

Executed this 20<sup>th</sup> day of December 2007 in Stamford, CT.

A handwritten signature in cursive script, appearing to read "M. Rueda", is written above a horizontal line.

MICHAEL A. RUEDA