# EXHIBIT 2001

Declaration of Ivan Zatkovich with Curriculum Vitae

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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GETTATTLE, INC.
Petitioner

v.

AFTERWORDS, INC.
Patent Owner

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IPR Case No. 2025-00677
U.S. Patent No. 10,430,811

# EXPERT DECLARATION OF IVAN ZATKOVICH IN SUPPORT OF PATENT OWNER'S RESPONSE TO PETITION FOR INTER PARTES REVIEW OF CLAIMS 1-7, 10, 13, 16, 18, 19 OF U.S. PATENT NO. 10,430,811

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I, Ivan Zatkovich, declare:

## I. INTRODUCTION

1. This declaration is being prepared in connection with *inter partes* review proceedings (IPR Case No.: 2025-00677) concerning U.S. Patent No. 10,430,811 ("the '811 Patent," Ex-1001), pending before the U.S. Patent and Trademark Office, Patent Trial and Appeal Board. I have been retained by counsel for Patent Owner, Afterwords, Inc., to provide expert opinion in these proceedings.

2. I understand that Petitioner, Gettattle, Inc. ("Petitioner"), is challenging the validity of claims 1-7, 10, 13, 16, 18, 19 (the "challenged claims") of the '811 Patent as anticipated by or obvious over certain references. I was asked to provide an opinion regarding each of the alleged grounds of invalidity raised by Petitioner. As further discussed below, it is my opinion that the subject matter of the challenged claims would not have been anticipated by or obvious over the references cited by Petitioner.

## II. QUALIFICATIONS

3. This is a summary of my background and qualifications. I set forth my background in more detail in my Curriculum Vitae, which is attached as Appendix A herewith.

4. I received a Bachelor's degree in Computer Science, with a minor in Electrical Engineering Digital Circuit Design, from the University of Pittsburgh in

1980. I completed a Master's thesis in Computer Networks in 1981 at the University of Pittsburgh, the results of which were published in Byte Magazine. My Master's thesis involved designing a heterogeneous network architecture that allowed substantially different computer systems to communicate with a common command interface.

5. I have over 30 years' experience in various technologies, including Point-of-Sale (POS) systems, POS Electronic receipts and electronic solicitations. I have also implemented methods for tokens, user authentication, and certificate verification, and payment authorization. Companies consulted for include eTrade, Citicorp, Smith Barney, Capital One, Deustche Telekom, PTT Netherlands, Apple, and Facebook.

6. I have been a Principal Consultant with eComp Consultants for over ten years. eComp Consultants provides professional consulting services relating to computer and technical matters in a wide range of industries, including embedded Internet systems, cellular telephony, and eCommerce services. Such consulting services include working with clients, such as Amazon.com, Microsoft, GEICO, Verizon, and McGraw-Hill, on specific information technology projects, process improvement, project management, and other technology issues.

7. At eComp Consultants, I have been frequently called upon to provide my expert opinion on matters concerning patent disputes. I have been qualified as a

technical expert in over 60 matters and have specifically analyzed and testified about computer systems, including targeted advertising and eMarketing systems. A complete list of the cases in which I have testified in the last five years is included in Appendix A.

8. Throughout my career, specific projects that I have developed or managed that are related to this matter include:

- **Evatone** – Director of eCommerce and eMarketing, implemented systems for online point of sales, payment gateways, and personalized marketing material based on customer online surveys and customer purchase information.
- **GTE/Verizon** - Network Point of Sale Architect, Developed Point of Sale interface to activate pre-paid cell phones and process payment cards.
- **eComp Consultants** -- developed patent claims to cover secure mobile payment transactions and account access using user ID authentication. Also developed authentication for eWallet selection, user biometic authentication and authorization of NFC mobile payments (Android, iPhone).
- **Tanning Technology** - System Architect and developer of financial systems for:
    - ETrade Online Trading – Developed 1st version of securities trading system
    - Smith Barney - PDA Trader Access - Wireless retrieval of financial transactions information

- GEICO, Hartford insurance – secure online systems for payment transactions and policyholder claims processing

9. In addition, I have been retained as a testifying expert on the following cases with subject matter relating to the matter now at issue:

- **Askeladden LLC v Electronic Receipts Delivery Systems LLC –** IPRs – Retained as testifying expert for two IPRs involving POS transactions that generate electronic receipts and customer solicitations and surveys.
- **Digital Retail Apps v. HEB Grocery –** Patent Litigation and IPRs – Testifying expert in POS systems and in-store self-purchase systems that provide electronic receipts for automatic checkout and verification.
- **3M Futures South Africa v. Standard Bank –** Patent Litigation – Real-time credit card transaction authorization, mobile payment authorization, and user authentication. Testified at trial regarding invalidity and infringement in South Africa.
- **Alexsam v. Black Hawk, Green Dot, AmEx, Cigna** – Patent Litigation – Testifying expert for multifunction credit card systems. Technology covered activation and processing of multiple transaction types from point of sale, through credit card network and processing hub, to issuing banks. Including security and token features, processing points, and routing of transactions.
- **Paul Ware v Aldo Group, Inc, et al.** – Patent Litigation – Providing expertise in eCommerce, payment gateways, Point-of-Sale interfaces and credit card transaction interfaces

10. By virtue of at least the above education and experience, I have a detailed understanding of the technology that is the subject of my declaration. For

example, my experience with Point-of-Sale systems that generate electronic receipts, customer solicitations, and surveys is relevant to the subject matter of the '811 Patent.

11. For my efforts in connection with the preparation of this declaration I have been compensated at my regular hourly rate of $625 per hour. My compensation is in no way dependent or contingent upon the outcome of these proceedings or any other proceedings relating to the subject patents.

## III. MATERIALS REVIEWED

12. While preparing this declaration I have read and understood materials related to IPR2025-00677, including the following:

- US Patent number 10,430,811 [aka "'811 Patent" or "'811"];
- The Petition for *inter partes* review filed by Petitioner [aka "Petition"];
- Expert Declaration of Yuriy Brun, PhD, Feb. 28, 2025
- The exhibits to the Petition;
- US Patent Publication No. 2015/0193794 [aka "Douglas"];
- US Patent Publication No. 2014/0337098 [aka "Ganesh"];
- The Patent Trial and Appeal Board's ("PTAB") decision instituting trial in these proceedings [aka "Decision"];
- The Patent Owner's Preliminary Response and the exhibits thereto;

- Proposed Substitute Claims 20 and 21 for inclusion as an Appendix to a Motion to Amend to be filed by Patent Owner;
- Dictionary of Scientific and Technical Terms, Fifth Edition 1994, McGraw-Hill;
- Modern Dictionary of Electronics, Rudolf F. Graf, 1999, Butterworth-Heinemann;
- IBM Dictionary of Computer, Tenth Edition, August 1993;
- https://csrc.nist.gov/glossary/term/interface - the National Institute of Standards and Technology Computer Security Resource Center definition of "interface"
- https://www.iso.org/obp/ui/#iso:std:iso-iec-ieee:24765:ed-2:v1:en - The International Organization for Standardization (ISO) definition of "interface"

13. In addition, I have reviewed each of the materials discussed, referenced or referred to in this declaration, even if not expressly included in the above list.

## IV. UNDERSTANDING OF THE LAW

14. I am not an attorney, however, I have been advised of the following legal principles by the Patent Owner's attorneys, and I have applied these principles in my analysis.

### A. Burden of Proof

15. I have been informed that in an *inter partes* review, the burden of proof is on the petitioner to prove unpatentable those issued claims that were actually challenged in the petition for review and for which the Board instituted review. I also understand that the petitioner has the burden of proving a proposition of unpatentability by a preponderance of the evidence.

### B. Claim Construction

16. I have been informed that claims in an IPR proceeding are given their ordinary and customary meaning as understood by one of ordinary skill in the art. I further understand that this is the same claim construction standard as used in a District Court proceeding.

### C. Level of Ordinary Skill in the Art

17. I have been informed that "a person of ordinary skill in the art" ("POSITA") is a hypothetical person to whom an expert in the relevant field could assign a routine task with reasonable confidence that the task would be successfully carried out. I have been informed that the level of skill in the art may be evidenced by references published at or around the time of the filing of the patent under consideration. Therefore, in performing my analysis I have considered the cited references as evidencing the level of skill in the art, and have applied the level of

ordinary skill in the art based upon such information as well as my experience and knowledge in the relevant field.

18. The Petitioner has defined a person of ordinary skill in the art as "someone who has, through education or practical experience, at least 2-3 years of experience in software engineering, such as the development of data sets, database management, and networking integration for dynamic content generation and network-based distribution."

19. Based on my experience, I have an understanding of the capabilities of a person of ordinary skill in the relevant art. Further, I had at least those capabilities myself at the time of the invention.

**D. Anticipation**

20. I am informed that anticipation requires that a reference describe not only the elements of the claimed invention, but also that it describe those elements arranged as in the claim. I am informed that a reference may anticipate inherently if a claim limitation that is not expressly disclosed is necessarily present, or inherent, in the single anticipating reference. However, I understand that the inherent result must inevitably result from the disclosure; in other words, inherency may not be established by probabilities or possibilities.

### E. Obviousness

21. I am advised that claims may be found unpatentable as obvious where differences between the subject matter sought to be patented and the prior art are such that the subject matter, as a whole, would have been obvious to a person of ordinary skill in the art at the time of the invention.

22. I am informed that a determination of obviousness requires factual inquiries concerning: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the art; and (4) objective indicia of nonobviousness.

23. I am informed that a determination of obviousness also requires a showing that a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so.

24. I am informed that a reference may be said to teach away from the invention when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the inventor.

25. I understand that secondary considerations include commercial success, long-felt but unresolved need, failure of others, copying, and unexpected results. In

arriving at my opinions expressed in this declaration, I have not been asked to consider and have not considered any such secondary factors.

## V. TECHNICAL BACKGROUND

### A. Overview of U.S. Patent No. 10,430,811

26. U.S. Patent No. 10,430,811 (the "'811 Patent,") is directed to "a method and system for automatically generating context-based survey questions predicated on the customers' actual purchase experience with the merchant" ['811 Patent Abstract.]

27. More specifically, it discloses a system and method for capturing data relating to a purchase, using the data to automatically generate a transaction-specific survey relating to the purchase, providing the transaction-specific survey to the customer in the form of a Survey Module, and storing customer responses to the survey. ['811 2:14-34]

28. In order to provide these more "intelligent" surveys that generate customized questions based on the user's specific context, the specification and claims identify the use of a "Survey Module." The Survey Module may include software that can make dynamic decisions as the user interacts with the survey and is configured to display survey questions as an integrated component within a graphical user interface. ['811 17:11-21]

29. Claims 1 and 19 disclose several important elements, including the "point-of-sale interface" and the "Survey Module." The "point-of-sale interface" 115 is configured to record transaction data relating to a commercial transaction where the transaction data comprises at least one "purchase detail identifier" and a "survey token." ['811 26:4-9] The claims also specify that the "Survey Module" is generated by the survey server computing device and comprises software code for displaying the at least one Survey Question.

30. The '811 Patent also makes the distinction between a "Survey" and a "Survey Module." While the questionnaire is being created and exists on the server, the '811 Patent refers to it as a "Survey." ['811 7:61-66, 10:67-11:4, 11:30-38, 18:34-38, 19:13-15] Once the survey is completed and the necessary software is incorporated for transmission to the customer's device, it is referred to as a "Survey Module." ['811 2:52-64, 17:12-15, 21:56-59, claims 1, 19] This means any specific software needed to perform the survey is automatically incorporated within the Survey itself.

31. The '811 patent also distinguishes software code contained within the Survey Module from any other software that is installed or was previously residing on the customer's device. For example, the '811 specification provides examples of software that resides on the customer device that includes "a web browser,

application program, or any device capable of reading web pages." ['811 6:53-56] Again, this software is distinct from the Survey Module software code.

32. The invention of the Survey Module in the '811 Patent has several advantages. First, the software code of the Survey Module can implement a dynamic survey with branching logic, such as when the next question asked depends on the answer to a prior question. This dynamic, logical branching capability is utilized in claims 8 and 18. Second, the survey does not have to rely on outside software to make dynamic decisions during a survey, such as contacting the server for decisions, or having the server generate a follow-up survey. Third, by incorporating software into the Survey Module itself, there is no reliance on the customer device already having special software to operate the survey. Lastly, incorporating software into the Survey Module means less communication is required with the server. Thus, by use of a Survey Module, the required communication between system devices that could delay survey processing is minimized. ['811 11:35-38]

33. Note that the claim limitation of a "Survey Module that comprises software" does enable certain embodiments so that the survey might operate on the customer's device as a self-contained, autonomous, and/or a web-container page survey ['811 11:30-34] However, these embodiments are not required in the claim limitations of the '811 Patent. Therefore, my opinions regarding the prior art are not

dependent on a Survey Module being self-contained, autonomous, or a web-container page.

34. The patent claims also incorporate a "campaign data structure" and a "vendor database." In Patent Owner's system, "[s]urveys are created using the transaction data as well as the [c]ampaign data structure, which includes configurable Conditions, Survey Questions, and branching logic set according to merchant preferences." ['811 11:19-22, 6:15-20]

35. Specifically, independent claims 1 and 19 and amended substitute claims 20 and 21 comprise "a campaign data structure having a configurable Condition that is satisfied by the detection of a given purchase detail identifier" as well as a "vendor database storing a plurality of purchase detail identifiers." ['811 26:14-17, 28:61-63] Upon receiving transaction data relating to a purchase, the system determines "whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied." *Id*. If the condition is satisfied, the system generates a survey question using survey data from the campaign data structure and the purchase detail identifier. *Id*.

36. Notably, the claim limitation implements a "data structure" that contains a configurable condition. A POSITA would understand that incorporating configurable conditions within a data structure is far superior and easier to create and change than, for example, a method to customize surveys by hard coding

conditions into a software algorithm. This would require a qualified software engineer to design, develop, and maintain. Therefore, the ability to have a data structure to "automatically generate [a survey] based on the items purchased, or other definable attributes associated with the sale" ['811 2:28-31] is a significant benefit of this invention over the prior art.

37. In short, the independent claims recite a system that generates survey questions using logical operations that check whether a configurable condition is satisfied by comparing transaction data to purchase details stored in a vendor database. The result is a survey that is tailored to a specific transaction and customized to gather feedback on purchase details selected by a merchant.

### B. Claim Terms and Claim Construction

#### 1. "point-of-sale interface"

38. The PTAB in its decision has construed the term "point-of-sale interface" to mean "software for displaying information to be viewed or interacted with locally at a transaction location." [Decision, pg. 15] In other words, the PTAB is identifying the point-of-sale interface as user interface software that interacts with, and displays information to, the user, presumably at the POS terminal.

39. I respectfully disagree with this construction because the '811 Patent claims and specification clearly describe a point-of-sale interface as a system interface that communicates data between the POS terminal and the survey server.

This is in contrast to the Petitioner's construction of an "executable software component embedded within a point-of-sale terminal." [Petition pg. 14] In support of this construction, the Petitioner cites to a description of "interface" in the paragraph that only applies to the "customer interface" (40) that displays survey questions and interacts with the user. ['811 4:29-37]

40. The PTAB decision also misidentifies the point-of-sale interface as "software for displaying information to be viewed or interacted with locally at a transaction location" [Decision pg.15], which partially adopts the Petitioner's assertion that it is a user interface.

41. A POSITA understands that there are two basic types of interfaces that exist within computer systems, namely a user interface and a system interface. Both of these types are used in the '811 Patent specification and claims. A user interface displays information to a user and allows the user to interact with that information. In other words, a user interface sends and receives information between a user and a computer. A system interface, on the other hand, allows one system component to communicate information to and from another system component. The system components that are connected by a system interface may reside on the same computer or they may reside on separate computers, for example, connected by a computer network.

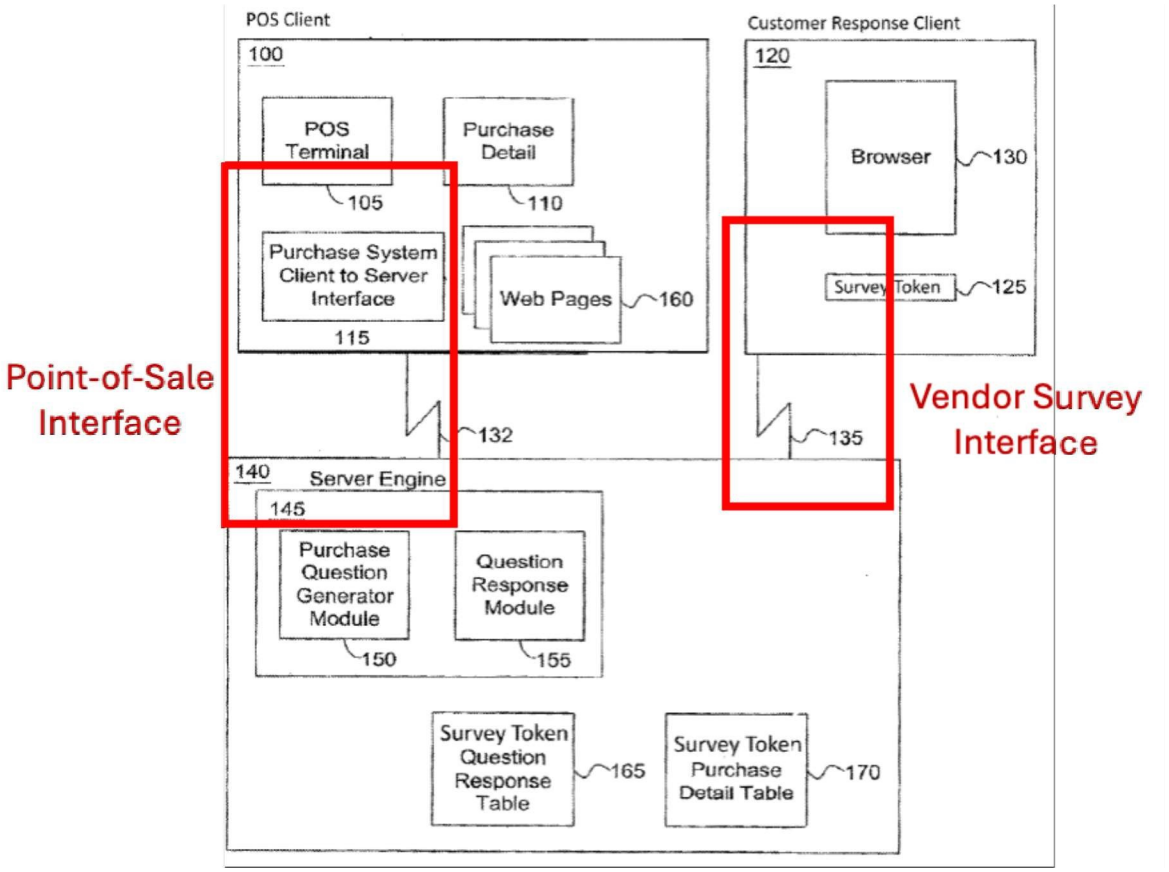
42. The claims identify three interfaces:

- Point-of-sale interface – Claims 1(a), (b), 7, and 19(a), a system interface.
- Vendor survey interface - Claims 1(c), 2, 5, 7, and 19(f), a system interface.
- Graphical user interface – Claims 1(c)(iii), (iv), 2, 8, and 19(e), a user interface.

43. **Point-of-sale interface** – This is a system interface that performs the functions defined in the claims, namely, to generate and record transaction data to be received and stored by the survey server.

> Claim 1 …
> (a) a **point-of-sale interface** used in conducting a commercial transaction between a consumer and a vendor, the **point-of-sale interface** being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;
>
> (b) a survey server computing device configured to receive and store the transaction data generated by the **point-of-sale interface**, wherein: . . .
>
> Claim 7 …
> The system of claim 1, wherein the **point-of-sale interface** and the vendor survey interface are both implemented as a software application running on a mobile computing device.
>
> Claim 19 …
> (a) providing a survey server configured to receive and store transaction data generated by **point-of-sale interface** relating to a commercial transaction between a consumer and a vendor, wherein . . .

44. The point-of-sale interface of the claims directly corresponds with functions of the "Purchase System Client to Server Interface" (115) shown in Figure 2, namely sending purchase detail information (transaction data) from the point-of-sale device to be recorded on the survey server.



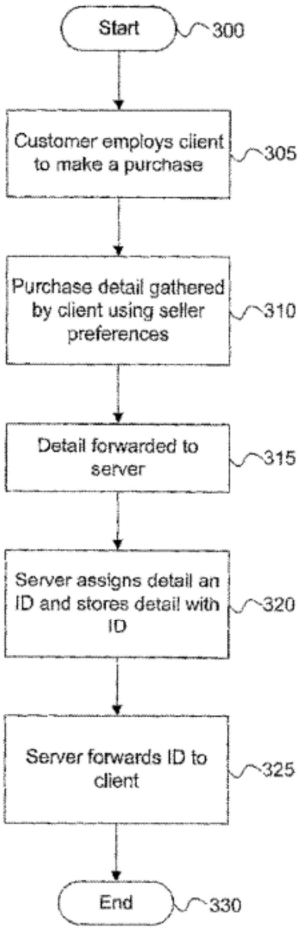

***'811 Patent - Figure 2, annotated***

45. The specification describes this interfaces as follows:

> **"Purchase system client to server interface** 115 provides an interface between purchase system client 100 and server 140. Purchase system client 100 communicates with server 140 through communication link 132." ['811 6:3-6, emphasis added]

> "At block 315, the purchase detail is forwarded from the client system to a server. For example, referring to FIG. 2, **purchase system client to server interface** 115 sends the purchase detail to server 140." ['811 9:35-38, emphasis added]

46. The second quote above applies to the flow diagram in figure 4, which describes this interface in blocks 310 and 315 as gathering the purchase detail and forwarding that detail to the server.




***'811 Patent – Figure 4***

47. Therefore, it is my opinion that the claim requirements of the point-of-sale interface correspond to functions of the purchase system client to server interface (115) that gather and transmit transaction data from the POS client to be recorded on the survey server.

48. **Vendor Survey Interface –** This interface is also a system interface that performs the functions defined in the claims, namely, transmitting the survey token from the customer to the survey server, receiving the Survey Module from the server, generating a graphical user interface, running the Survey Module that uses the graphical user interface to display survey questions, and transmitting user responses to the survey server.

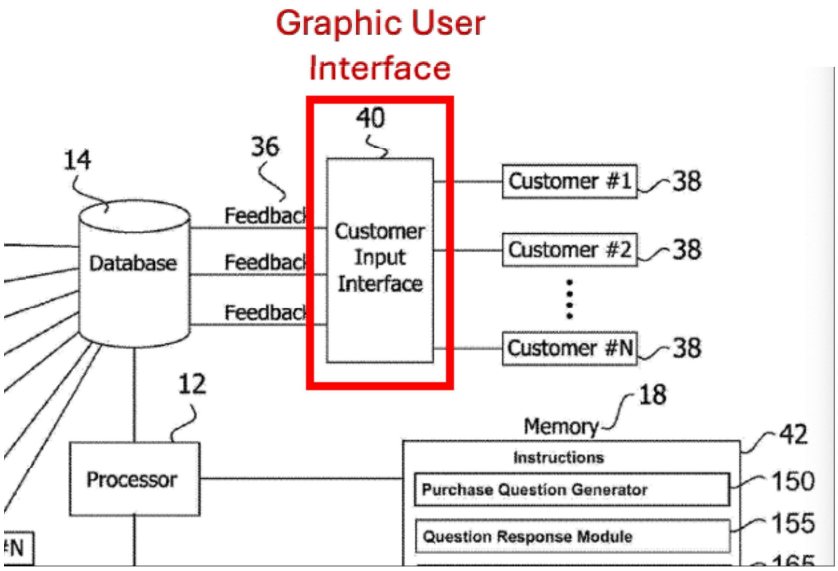
> Claim 1 …
> (c) a **vendor survey interface** configured to perform the operations comprising:
> (i) transmitting the survey token to the survey server computing device;
> (ii) receiving from the survey server computing device the Survey Module;
> (iii) generating a graphical user interface on a display screen;
> (iv) running the Survey Module to display the at least one Survey Question as an integrated component within the graphical user interface;
> (v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and
> (vi) transmitting the Respondent Header to the survey server computing device.
>
> Claim 2 …
> The system of claim 1, wherein: (a) the **vendor survey interface** is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage.
>
> Claim 5 …
> The system of claim 1, wherein **vendor survey interface** is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the **vendor survey interface**.
>
> Claim 7 …
> The system of claim 1, wherein the point-of-sale interface and the **vendor survey interface** are both implemented as a software application running on a mobile computing device.
>
> Claim 19 …
> (f) transmitting by the survey server, the Survey Module to a **vendor survey interface;** and . . .

49. This corresponds with the communication that occurs between the Customer Response Client (120) and the Server (140) using the communication line (135), shown in Figure 2 above.

50. **Graphical user interface** – This is the only user interface used in the claims and performs the function described by the claims, namely, to display survey questions on the screen.

> Claim 1 …
> (iii) generating a **graphical user interface** on a display screen;
> (iv) running the Survey Module to display the at least one Survey Question as an integrated component within the **graphical user interface;**
>
> Claim 2 …
> The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage.
>
> Claim 8 …
> The system of claim 1, wherein: . . . (b) the display screen that displays the **graphical user interface** is an integrated component of a customer response client computing device, and the **graphical user interface** is displayed by a web browser integrated with the customer response client computing device; . . ..
>
> Claim 19 …
> (e) generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a **graphical user interface**; . . .

51. This corresponds to the "customer interface" (40) in Figure 1.




***'811 Patent – Figure 1, annotated***

52. The customer interface is described in the specification as a

> "**customer interface** 40 through various modalities (e.g., kiosk, mobile application or website) to provide feedback 36 (e.g., via surveys) regarding the specific commercial transaction. In general, as used herein, an interface is a component of computer executable instructions stored in a tangible, non-transitory medium and executed by processor 12 to present a display of information related to the interface allowing someone to view and/or interact with the presented information." ['811 4:29-37]

53. Note that the Patent Owner appears to be a lexographer for the term "interface" as a method to "present a display of information related to the interface allowing someone to view and/or interact with the presented information." However, it becomes clear that this definition only applies to the customer interface just described (i.e. the customer input interface (40)). Subsequently, the patent specification describes another interface, a "purchase system client to server interface" (115). This interface is clearly not a user interface that displays information and interacts with the user. Rather it is a system interface that

communicates purchase detail from the POS client (100) to the server (140) as I explained above for the point-of-sale interface.

54. The ‘811 Patent specification also confirms that the database (14) on the survey server stores transactional information 32 including “the amount of products/services sold to a particular customer during a particular transaction” [4:9-20]) It is safe to assume that this transaction information is sent from the POS Terminal to be recorded on the server via communication link 132 shown in the ‘811 Patent Figure 2.

55. Regarding Petitioner’s claim construction for “point-of-sale interface,” Petitioner asserted

> “The term “Point of Sale Interface” should be construed as an “executable software component embedded within a point-of-sale terminal.” Exhibit 1005, ¶20.
>
> This construction is based on the ‘811 Patent disclosing the term interface is computer executable instructions. Ex. 1001, col. 4, ll. 32-37. The general term point-of-sale has its ordinary meaning of a terminal for conducting a point-of-sale transaction.”

56. Petitioner is citing to the ‘811 patent at column 4 lines 32-37, which describes the customer interface (40) used to display and interact with the survey questions. This has nothing to do with a point-of-sale interface, which communicates transaction data to be recorded on the survey server, and would not

apply to, for example, "purchase system client to server interface" (115), another interface in the '811 specification that is not a user interface.

57. The PTAB Decision also misapplies that same description of "interface" that describes the customer interface (40), but not the system interfaces of the invention.

> Regarding the associated term "interface," the written description states, "[i]n general, as used herein, an interface is a component of computer executable instructions stored in a tangible, non-transitory medium and executed by processor 12 to present a display of information related to the interface allowing someone to view and/or interact with the presented information." *Id.* at 4:32–37. [Decision pg. 14]

58. The PTAB Decision also states:

> The claim language does little to identify any meaning of "point-of-sale interface." Looking to the '811 patent's written description, it never uses the term "point-of-sale interface," but it states "moder[n] Point-of-Sale (POS) systems . . . capture rich details around their customers' purchasing activity." Ex. 1001, 1:52–54. [Decision pg. 14]

59. The PTAB decision also states that there is "nothing in the '811 patent's prosecution history that sheds any further light on the meaning of this language." [Decision pg. 14] I would agree if you are seeking for the meaning of a user interface associated with a POS terminal. That is because the '811 Patent's invention does not seek to deal with a user interface of a POS client (e.g. pressing buttons on a cash register). The invention is primarily concerned with gathering and transmitting the purchase detail from the POS client to the survey server for tailoring survey

questions. Again, this is the purpose of a point-of-sale interface that is clearly identified as a function of the "purchase system client to server interface" (115).

60. Lastly, a system interface such as the point-of-sale interface would be understood by a POSITA to be a connection or shared boundary between two computer components. As such, it requires software on both the sending side and the receiving side of the communication link to achieve an interface. In other words, there needs to be intelligence on both sides of the interface to assure that the data is both sent and received correctly, which is the primary purpose of a system interface. This is also consistent with general computer standards and practices for the use of the term "interface."[1]

61. This means a portion of the Point-of-Sale interface resides on the POS client in order to gather and transmit the purchase detail to the server in a specific manner. This is consistent with the patent's discussion of the Point-of-Sale interface that resides on the POS side. ['811 6:3-6, 9:35-38] However, a portion of the Point-

[1] https://csrc.nist.gov/glossary/term/interface - the National Institute of Standards and Technology Computer Security Resource Center defines "interface" as "Wherever two or more logical, physical, or both system elements or software system elements meet and act on or communicate with each other." https://www.iso.org/obp/ui/#iso:std:iso-iec-ieee:24765:ed-2:v1:en The International Organization for Standardization (ISO) defines "interface" as "1. shared boundary between two functional units, defined by various characteristics pertaining to the functions, physical signal exchanges, and other characteristics [ISO/IEC 2382:2015, Information technology — Vocabulary] 2. hardware or software component that connects two or more other components for the purpose of passing information from one to the other 3. to connect two or more components for the purpose of passing information from one to the other 4. to serve as a connecting or connected component as in (2)…"

of-Sale interface must reside on the Server side to receive and parse the received data. In other words, information cannot be sent and received in an arbitrary manner. The specific type of data, the order of the data elements, and the format of that data is part of defining a system interface. Therefore, the software (or hardware) that constitutes how the data is sent, and then received, constitutes the interface (not just one side). Therefore, a POSITA would also understand that server side also requires a Point-of-Sale interface to be able to receive and parse the information that is sent in a specific manner.

62. Therefore, I propose that the broadest reasonable meaning of the term "Point-of-Sale Interface" is "**software or hardware for sending or receiving transaction data between a point of sale and the server.**"

**2. "survey token"**

63. The PTAB in its decision has construed the term "survey token" as: "information for identifying a customer or transaction." [Decision, pg. 16] I agree with this construction. As the PTAB notes, the '811 patent specification defines a survey token explicitly as:

> "The token can be any data or information that is useful for identifying the customer or transaction, such as a (i) randomly generated number; (ii) a customer account ID, or (iii) a combination of transaction data elements, such a facility identifier and the date and time of the transaction." ['811, 2:40–45]

64. The examples provided by the '811 Patent show that a survey token's purpose is to provide information to identify the customer or transaction.

**3. "purchase detail identifier"**

65. The PTAB in its decision has construed the term "purchase detail identifier" as "information identifying details about a purchase." [Decision, pg. 17] I agree with this construction. As the PTAB notes, the '811 patent specification defines purchase detail identifiers as:

> "All data categories or purchase detail identifiers can be organized into database records called Attribute Groups." ['811, 4:63-64], and then:
>
> "Attribute Groups can also be used for other data categories (i.e., purchase detail identifiers) as well." ['811, 5:13-14]
>
> The specification indicates that purchase detail identifiers are data or information that can be organized and stored, and describe attributes about a purchase.
>
> The claims provide specific examples of the types of data or information that could be encompassed by purchase detail identifiers.

66. Claim 10 discloses that: "(a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor…."

67. Claim 11 discloses that: "(a) the purchase detail identifiers comprise a vendor facility identifier that represents a vendor facility used by the vendor for commercial transactions…."

68. Claim 12 discloses that: "(a) the purchase detail identifiers comprise a vendor personnel identifier identifying vendor personnel…." Claims 13 and 14 also disclose further definitions of the types of data or information that can be purchase detail identifiers.

69. The claims refer to a variety of data relating to a purchase as being among the purchase detail identifiers, including data representing products available for sale, a vendor facility, and vendor personnel. All of the cited '811 claims reinforce the accuracy of the PTAB's construction of "purchase detail identifier."

**4. "Survey Module"**

70. The PTAB in its decision has construed the term "Survey Module" as "software code for displaying a survey question." [Decision, pg. 19] I respectfully disagree with this construction because it does not fully encompass the meaning of the term for all '811 Patent claims that require a Survey Module.

71. A survey, as described by the '811 Patent specification and claims, is generated by the server as a Survey Module comprising software code. ['811 6:7-15, claims 1, 19] In addition, as it pertains to claims 8 and 18, the survey module comprises software code "with branching logic that changes the questions presented or the order of the questions presented based upon a survey respondent's answers to prior survey questions." ['811 11:31-34]

72. Claim 1 and 19 identify only a single function of the Survey Module for "displaying at least one survey question." This function, in and of itself, does not require the execution of software logic to display a survey question.

73. However, there are dependent claims that actually do require the Survey Module's software code to execute logic to make certain decisions. For example, claims 8 and 18 both require the survey module perform an action (such as directing the web browser to the Exit Page) if the software code determines a condition is met based on a customer's response to a previous question.

Claim element 8(c):

> "the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code that redirects the web browser of the customer response client computing device to the Exit Page, if the second configurable Condition is satisfied."

74. The Survey Module in claims 8 and 18 is different than software code that simply displays a question. These claims also require a Survey Module with capability that is distinct from other examples of surveys that require no executable logic for making decisions (e.g. HTML web pages, or email messages).

75. A POSITA would understand that a term construed as "software code for displaying a survey question" would be too narrow to correctly determine the scope of a Survey Module for all relevant claims of the '811 Patent. Therefore, I

propose that the broadest reasonable meaning of the term "survey module" is "**software code with executable logic for implementing a survey**."

### 5. Claim amendments related to "Survey Module"

76. I understand that the Patent Owner has proposed amendments to claims 1 and 19 as follows (amendments are highlighted in red and underlined)

1. A system for implementing transaction-specific surveys comprising:

(a) a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;

(b) a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein:

(i) the survey server computing device comprises

(A) a vendor database storing a plurality of purchase detail identifiers, and

(B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein

(ii) the survey server computing device is configured to perform the operations comprising

(A) receiving a survey token,

(B) retrieving the transaction data having the stored survey token corresponding to the received survey token,

(C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a first Survey Question using the given survey question data and the purchase detail identifier, and

(D) generating a Survey Module comprising software code that implements branching logic that is configured to display a

second Survey Question based on a first user-generated input in response to the first Survey Question;

(c) a vendor survey interface configured to perform the operations comprising:

(i) transmitting the survey token to the survey server computing device;

(ii) receiving from the survey server computing device the Survey Module;

(iii) generating a graphical user interface on a display screen;

(iv) running the Survey Module to display the first and second Survey Question as an integrated component within the graphical user interface;

(v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and

(vi) transmitting the Respondent Header to the survey server computing device.

21. A computer-implemented method for providing transaction-specific surveys comprising the operations of:

(a) providing a survey server configured to receive and store transaction data generated by a point-of-sale interface relating to a commercial transaction between a consumer and a vendor, wherein

(i) the transaction data comprises purchase detail identifiers and a survey token; and

(ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;

(b) receiving by the survey server, a survey token;

(c) retrieving by the survey server, the transaction data having the stored survey token corresponding to the received survey token;

(d) determining by the survey server, whether the transaction data includes the given purchase detail identifier such that the configurable Condition is

satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the survey question data and the purchase detail identifier;

(e) generating by the survey server, a Survey Module comprising software code

(i) for displaying the first Survey Question as an integrated component within a graphical user interface, and

(ii) implementing branching logic that displays a second Survey Question based on a first user-generated input in response to the first Survey Question;

(f) transmitting by the survey server, the Survey Module to a vendor survey interface; and

(g) receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.

77. I believe my construction of the term "Survey Module" as "software code with executable logic for implementing a survey" proposed in the previous section is accurate with or without these amendments. However, these amendments further distinguish a Survey Module from the PTAB's construction of "software code for displaying a survey question" as the amendments require software code with executable logic for implementing a survey.

### 6. Plain and ordinary meaning of "software" and "software code"

78. Throughout this declaration, wherever the above claim constructions do not apply, I have used the plain and ordinary meaning the claim terms as a

POSITA would have understood them in the relevant timeframe. Two terms that I believe are significant are "Software" and "Software Code."

79. In my opinion, a person of ordinary skill in the art would understand that "software" refers to one or more computer programs. This includes the source code of the program (i.e. the text of the programming language in which the software is written). "Software code" would be the portion of software that specifically contains instructions that can be stored and executed (i.e. can be run) on a computer. This is consistent with contemporaneous definitions of software from technical dictionaries.[2]

80. Examples of software code include programs written in computer programming languages such as Java (a compiled programming language) or JavaScript (an interpreted programming language). Both Java and JavaScript are programs that produce executable logic that can perform functions such as

[2] *See, e.g.,* Dictionary of Scientific and Technical Terms, Fifth Edition 1994, McGraw-Hill ("software [COMPUT SCI] The totality of programs usable on a particular kind of computer, together with the documentation associated with a computer or program, such as manuals, diagrams, and operating instructions"); Modern Dictionary of Electronics, Rudolf F. Graf, 1999, Butterworth-Heinemann ("software – 1. Programs, routines, codes, and other written information for use with digital computers, as distinguished from the equipment itself, which is referred to as hardware. 2. A set of computer programs, procedures, rules, and associated documentation concerned with the operation of a data-processing system, e.g., compilers, monitors, editors, utility programs. 3. A computer program or set of programs held in some storage medium and loaded into read/write memory (RAM) for execution; IBM Dictionary of Computer, Tenth Edition, August 1993 ("software (1) All or part of the programs, procedures, rules, and associated documentation of a data processing system. Software is an intellectual creation that is independent of the medium on which it is recorded. (T) (2) Contrast with hardware. (3) See application software, integrated software, system software.").

computations, loops, and conditional branching (e.g. If-Then-Else statements), although all of these functions need not be present in a computer program to constitute software code.

81. HTML, for example, is not a programming language nor can it produce an executable software code. HTML is a "markup language" used to define the structure, appearance, and content of web pages, not to execute code or control computer functionality.

## VI. OPINIONS CONCERNING VALIDITY

### A. Ground 1 Claim 19, and Ground 2 Claims 1-7, 10, 13, 16, 18 anticipation 35 U.S.C. §102 by Douglas

#### 1. Douglas Does Not Disclose a "Survey Module," nor Anticipate any Operations Requiring a Survey Module.

82. The claim limitations of the '811 Patent regarding the generation and use of a Survey Module are (emphasis added):

- Claim 1(b)(ii)(D)—"**generating a Survey Module comprising software code** for displaying the at least one Survey Question;"
- Claim 1(c)(ii)—"**receiving** from the survey server computing device **the Survey Module**;"
- Claim 1(c)(iv)—"**running the Survey Module** to display the at least one Survey Question as an integrated component within the graphical user interface;"
- Claim 2—"the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage."

- Claim 8(c)—"the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code that redirects the web browser of the customer response client computing device to the Exit Page, if the second configurable Condition is satisfied."
- Claim 14—"incorporating within the Survey Module software code for displaying the Facility Survey Question."
- Claim 15—"incorporating within the Survey Module software code for displaying the Internal Facility Survey Question."
- Claim 16—"incorporating within the Survey Module software code for displaying the General Survey Question."
- Claim 17—the Campaign data structure further comprises a Max Question configurable Condition setting a maximum number of survey questions included within the Survey Module."
- Claim 18—"(E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied."
- Claim 19(e) "**generating** by the survey server, a **Survey Module** comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface;"
- Claim 19(f) "**transmitting** by the survey server, **the Survey Module** to a vendor survey interface; and" (emphasis added to all elements)

83. The amended substitute claim limitations of the '811 patent regarding the generation and use of a Survey Module are (emphasis added):

- Claim 20(b)(ii)(D) "**generating a Survey Module comprising software code** that implements branching logic that is configured to display a second Survey Question based on a first user-generated input in response to the first Survey Question;
- Claim 20(c)(ii) "**receiving** from the survey server computing device **the Survey Module**;"
- Claim 20(c)(iv) "**running the Survey Module** to display the first and second Survey Question as an integrated component within the graphical user interface;
- Claim 21(e) "**generating** by the survey server, **a Survey Module comprising software code**

  (i) for displaying the first Survey Question as an integrated component within a graphical user interface, and

  (ii) implementing branching logic that displays a second Survey Question based on a first user-generated input in response to the first Survey Question;
- Claim 21(f) "**transmitting** by the survey server, **the Survey Module** to a vendor survey interface; and"

84. As I indicated above, the Survey Module disclosed in the '811 Patent is comprised of software code which is transmitted to a device different from the survey server to a vendor survey interface (i.e. to a customer device). Douglas does not disclose a survey or survey module that comprises software code. This pertains

to disclosures in Douglas regarding both the existing and proposed substitute amended claims of the '811 Patent. This opinion is also regardless of whether the PTAB's claim construction or my proposed claim construct is applied.

85. For the existing claims 1 and 19 of the '811 Patent, the Survey Module's software code is used to implement the survey (i.e., run the Survey), including displaying a survey question. For the substitute amended claims 20 and 21 proposed for the '811 Patent, the Survey Module's software code is used to implement (run the Survey Module) the survey, including displaying a first survey question, collecting survey question responses, and using embedded branching logic in the software to select and display a second question based on the response to the first question. For dependent claim 18, the Survey Module includes software code that executes branching logic, which determines if a second configurable condition is met and that sends a notification to a vendor representative when the second configurable condition is met.

86. Regarding the disclosure in Douglas of the Survey Module of the '811 Patent in claim elements 19(e) and (f), for example, the PTAB Decision summarizes the Petitioners argument as follows:

> "Petitioner then addresses the next two steps of claim 19 ("*(e) generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a*

*graphical user interface*" and "*(f) transmitting by the survey server, the Survey Module to a vendor survey interface*"), which Petitioner asserts Douglas discloses as its survey system 101 communicating with the customer device 106 via a network 108, transmitting the survey to that customer device, and displaying (**requiring *software***) the survey so the customer interacts with the survey via a graphical user interface, e.g., clicking/touching a screen of a mobile phone (*survey interface*). Pet. 19–20 (citing Ex. 1007 ¶¶ 34–35, 39, Fig. 1). Douglas discloses examples of survey questions that may be displayed on the touchscreen of a customer's device. *See* Ex. 1007 ¶¶ 34–35." [Decision pg. 27, emphasis added]

87. I agree with the PTAB Decision that software code may be required to display survey questions to the customer. However, the software code of the asserted claims must be part of the Survey Module itself, generated on the server and transmitted from the server to a vendor survey interface as recited in the '811 Patent claims 1(b)(ii) and 19(e)-(f). Douglas does not disclose any software transmitted from the server that is part of a survey or Survey Module. In fact, the embodiments of the Douglas survey teach that software is not required to be transmitted to the customer device to perform a survey. Specifically, all examples of methods for presenting a survey to the customer device would not include software as part of the survey content. Specifically, Douglas teaches the following types of messages for presenting a survey.

"A survey may be presented as a **notification, text message, email, SMS, MMS,** or presented to the customer device on the user interface. … Surveys may include Visual graphics, images, animations, Videos, and other digital media for the customer." [Douglas ¶ 33, emphasis added)

88. A POSITA would understand that a survey transmitted as a notification, text message, email, SMS, or MMS message would not include software code, nor would Visual graphics, animations, or Videos. In contrast, a software application residing on the customer's computing device (e.g. email application, text message application) would be needed to display these types of messages or images, but the messages or images themselves do not comprise software code. A text message, email message, MMS message, jpg image, mp3 video, etc. that is transmitted to a user's computer contains no software code.

89. This is also identified in the PTAB Decision where it cites in Douglas that one or more software applications may be provided on the customer device.

"Moreover, Douglas also discloses that its survey "**interact[s] with the customer using one or more software applications on customer device 106**," which may be, e.g., a computer or mobile phone, further, "[t]he one or more software applications may be provided by survey system 101, or merchant 107, or a third party," and finally, "[t]he one or more software applications may be web-based applications and/or native mobile

applications installed on the customer device 106." *Id.* ¶¶ 18–20; *see also* Prelim. Resp. 35 (conceding as much)." [Decision pg. 32, emphasis added]

90. In other words, the customer device may have a software application downloaded or installed prior to receiving a survey. However, installing an application (such as a browser, email application, or MMS application) prior to receiving a survey is quite different than providing the software code as part of the survey itself. Douglas also makes it quite clear that "the one or more software applications may be web-based applications and/or native mobile applications installed on the customer device" [Douglas 0018] In other words, the applications that are installed and reside on the Douglas customer device are independent from any transmitted survey. Douglas also confirms that the application software can be provided from several different sources such as "by survey system 101, or merchant 107, or a third party" [*id*] There is no teaching or suggestion in Douglas that these applications are transmitted as part of, or along with, the survey.

91. Additionally, no disclosures in Douglas that pertain to the customer's interaction with the survey disclose software code that is transmitted as part of a survey or Survey Module. For example, the PTAB Decision summarizes the Petitioner's assertions as follows:

"Petitioner asserts that Douglas discloses this customer device 106 includes **a display for interacting with the survey (a *graphical user interface*;**

***survey module*) by touch or clicking on a screen**. *Id.* (citing Ex. 1007 ¶¶ 18, 33, 35, 39). The customer's survey inputs (*response header*) are then received by the survey server 101 as responses (to response processor 104) where additional interaction may take place based on customer inputs. *Id.* at 24 (citing Ex. 1007 ¶¶ 33, 44, 68–69, Fig. 3)." [Decision, pg. 30 emphasis added]

92. The type of graphical user interface disclosed in Douglas, and interaction involving user inputs, touch screens, or mouse clicks, would be software that is already present on the customer's computer device such as a Web Browser or Microsoft Windows. In addition, survey content delivered as web pages are explicitly identified as "HTML documents, which may include images, style sheets and scripts in addition to text content." [Douglas ¶ 54] None of these are examples of software code.

93. Lastly, the PTAB Decision describes features in Douglas that appear to include the claimed Survey Module.

"Thus, Douglas appears to disclose a survey system where a survey server responds to a triggering survey token created by a merchant and sent by a customer, that connects the customer with a particular purchase, by creating a purchase-specific survey question and sending it to a customer's electronic device, where the survey question is displayed on a web-browser by

software, **and the customer's survey answers may then spur the system to generate and follow up with additional questions**. *See* Ex. 1007 ¶¶ 18–20, 27–29, 33–39. This appears to include the claimed *survey module* at issue." [Decision, pg. 32]

94. Regarding this summary above, the logic used to create purchase-specific survey questions in Douglas is performed by survey generator software on the server. [Douglas Figure 1, ¶ 12] As mentioned previously, questions "displayed on a web-browser by software" are not software that is transmitted as part of the survey, but software in the web-browser application itself that is installed on the customer device. As I also mentioned above, the web pages disclosed in Douglas that are transmitted to the customer device explicitly identify components of the web page (e.g. HTML, style sheets, scripts), none of which are software code.

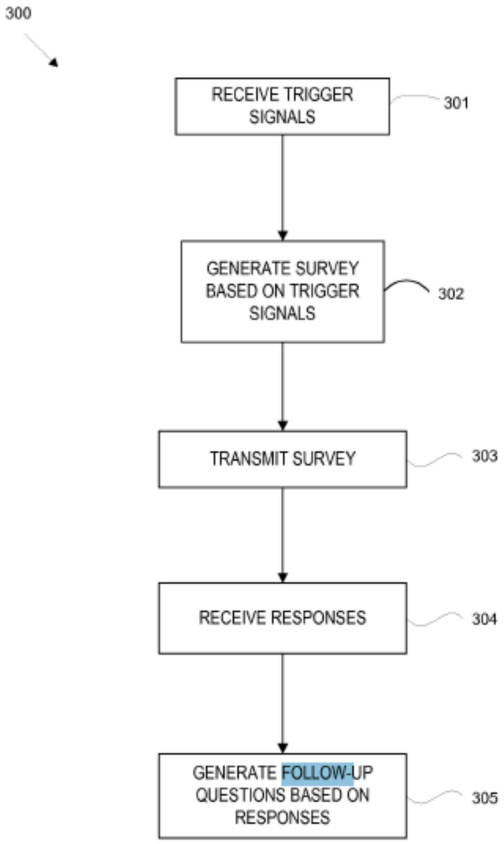
95. The customer's survey answers that spur the system to generate follow-up questions are functions that occur on the server, not within the survey transmitted to the customer device. Specifically, the embodiments in Douglas where "further questions are provided to the customer based on how the customer responds to the initial query or queries" [Douglas ¶ 36], are disclosed as follow-up questions created by the survey generator on the server.

96. For example, the Douglas abstract discloses a survey transmitted "to the mobile device, and a survey response receiver that receives a response to the

survey. **The survey generator generates one or more of follow-up commands or follow-up questions based on the received response**, and the survey transmission interface transmits the one or more of follow-up commands or follow-up questions to the mobile device." [Douglas abstract, emphasis added]

97. Figure 3 in Douglas illustrates this same process of generating follow-up questions based on the customers responses:

**Figure 3**




98. Steps 304 and 305 in Figure 3 occur on the server. Step 305 is described as follows:

"0069. At block 305, follow-up actions to take based on the customer responses may be determined. If a customer responds to the Survey requesting more information, response processor 104 may send the customer the information that he or she requested. **Survey generator 103 may provide additional surveys to the customer based on the responses received**." [Douglas ¶ 69, emphasis added]

99. Claims 1 and 11 of Douglas also reiterate this same process. Douglas claim 11 is shown below.

11. A method, comprising:

receiving, via a network at a communication interface, event data associated with a customer, wherein the event data is transmitted by a mobile device of the customer;

generating, using a survey generator, a Survey based on the event data;

transmitting, using a survey transmission interface, the survey to the mobile device;

**receiving, via the network at a survey response receiver,** a response to the Survey, wherein the response to the Survey is transmitted by the mobile device,

**generating, using the Survey generator, one or more of follow-up commands or follow-up questions based on the received response;** and

transmitting, via the network using the Survey transmission interface, the one or more of follow-up commands or follow-up questions to the mobile device.

(Douglas Claim 11)

100. If there are other methods in Douglas that could "provide further questions to customers based on how the customer responds," other than those described above, none are disclosed. In fact, of the many discussions in Douglas of functions that would be performed by software, Douglas provides no suggestion of software that is part of the survey itself, or describe functionality within the survey itself that suggests it may be performed by software. Any mention in Douglas of "software" (a term that appears 19 times), applications, programs, or software code such as "Java," refer either to software on the server or software applications that are installed and reside on the customer's device independent of a transmitted survey or Survey Module.

101. Therefore, it is my opinion that Douglas does not disclose a Survey Module that comprises software code, nor does it disclose any other claim limitation requiring a Survey Module.

**2. Douglas Does Not Anticipate a "campaign data structure"**

102. The claim limitations of the '811 Patent regarding the campaign data structure are:

- Claim 1(b)(i)(B)—"a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein"

- Claim 8— “the campaign data structure further comprises an Exit Page that points to a webpage address and a second configurable Condition that is satisfied based on a Survey Question response.”

- Claim 9—“the campaign data structure further comprises a second configurable condition that is satisfied if a certain purchase detail identifier shares the preselected attribute.”

- Claim 14—"the campaign data structure comprises a second configurable Condition that is satisfied by the detection of a given vendor facility identifier.”

- Claim 15— “the campaign data structure comprises a third configurable Condition that is satisfied by the detection of a given internal facility location identifier.”

- Claim 17—“the Campaign data structure further comprises a Max Question configurable Condition setting a maximum number of survey questions included within the Survey Module.”

- Claim 18—“the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response.”

- Claim 19(a)(ii)(B)—“a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;…”

103. The amended substitute claim limitations of the ‘811 Patent regarding the campaign data structure are:

- Claim 20(b)(i)(B) “a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein”

- Claim 21(a)(ii)(B) "a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;"

104. Regarding the disclosure in Douglas of a Campaign Data Structure of '811 Patent Claim element 19(a)(ii)(B), the PTAB Decision summarizes the Petitioner's argument as follows:

> Turning to the first step of claim 19's method ("*(a) providing a survey server configured to receive and store transaction data generated by point-of-sale interface relating to a commercial transaction between a consumer and a vendor*" and *"(i) the transaction data comprises purchase detail identifiers and a survey token*" and "*(ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and* ***(B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier***"), Petitioner asserts that Douglas discloses such a survey server as Survey System 101, which is networked with a merchant point-of-sale system 107, and also discloses that **a survey generator 103 creates a survey (pre-existing or modified questions—*campaign*) based on purchase data,** e.g., SKUs (*purchase detail identifier*) from the point-of-sale, which are sent to a customer device 106 in response to a trigger (*survey token*) from the customer indicating the purchase. Pet. 16–17, 20 (citing Ex. 1007 ¶¶ 12, 27, 33, 39, Fig. 2). [Decision pg. 25, emphasis added]

105. Specifically, the Petition asserts that Douglas must have pre-existing survey questions (that would presumably be part of a Campaign Data Structure) because questions can be based on trigger signals indicating customer purchases:

> "Douglas in ¶33 further discloses generating specific survey questions based on trigger signals received by processor 102, therefore **the Douglas system must have pre-existing survey questions** modified or utilized based on the trigger signals indicating customer purchase(s)." [Petition pg. 17]

106. However, ¶ 33 cited in the Petition (nor ¶¶ 12, 27, 33, 39 and Fig. 2 cited in the PTAB Decision) does not disclose a data structure containing survey question data, or pre-existing questions. It simply discloses that the survey "may be generated based on the type of trigger signal (or trigger signals) received by trigger processor 102. The survey may ask about the products purchased and/or the locations visited within the merchant."

107. A POSITA would understand that survey questions can be generated by any number of methods. For example, survey questions could be generated spontaneously from scratch simply using the purchase data, product description, or even target audience information itself. There is no necessity to rely on pre-existing survey questions or "survey question data" stored in a campaign data structure. So the assertion that Douglas "must have pre-existing survey questions" is an erroneous assumption. Although Douglas discloses many types of survey questions that could

be included in a survey, there is no disclosure as to what data or data structures might be used to originate those questions.

108. More importantly, neither the Petition nor the PTAB Decision identifies any disclosure in Douglas that would constitute "a configurable condition that is satisfied by the detection of a given purchase detail identifier." The '811 Patent discusses configurable conditions as an important aspect of creating a survey. For example, the '811 Patent teaches that question can be "generated depending on conditions associated with merchant preferences in the Campaign data structure." ['811 12:25-29] In fact, the '811 Patent specification identifies many instances of how and when conditions such as merchant preferences from the campaign data structure that are used when generating survey questions. ['811 7:63-66, 8:8-14, 2:25-32, 11:64-12:1, 11:5-11, 12:53-55]

109. Therefore, it is my opinion that configurable conditions, for example, that are satisfied by "a given purchase detail identifier," are precisely the information used for "automatically generating context-based survey questions predicated on the customers' actual purchase experience with the merchant" ['811 Abstract], which is an important objective of the '811 Patent.

110. However, neither the Petition nor the PTAB Decision identify any data structures that disclose or suggest examples of configurable conditions.

### C. Ground 3 Claim 19, and Ground 4 Claims 1-7, 10, 13, 16, 18 anticipation 35 U.S.C. §102 by Ganesh

#### 1. Ganesh Does Not Disclose a "Survey Module," nor Anticipate any Operations Requiring a Survey Module.

111. The claim limitations of the '811 Patent regarding the generation and use of a Survey Module are (emphasis added):

- Claim 1(b)(ii)(D) "**generating a Survey Module comprising software code** for displaying the at least one Survey Question;"
- Claim 1(c)(ii) "**receiving** from the survey server computing device **the Survey Module**;"
- Claim 1(c)(iv) "**running the Survey Module** to display the at least one Survey Question as an integrated component within the graphical user interface;"
- Claim 2—"the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage."
- Claim 8(c)—"the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code that redirects the web browser of the customer response client computing device to the Exit Page, if the second configurable Condition is satisfied."
- Claim 14—"incorporating within the Survey Module software code for displaying the Facility Survey Question."
- Claim 15—"incorporating within the Survey Module software code for displaying the Internal Facility Survey Question."

- Claim 16—"incorporating within the Survey Module software code for displaying the General Survey Question."
- Claim 17—the Campaign data structure further comprises a Max Question configurable Condition setting a maximum number of survey questions included within the Survey Module."
- Claim 18—"(E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied."
- Claim 19(e) "**generating** by the survey server, a **Survey Module** comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface;"
- Claim 19(f) "**transmitting** by the survey server, **the Survey Module** to a vendor survey interface; and" (emphasis added to all elements)

112. The amended substitute claim limitations of the '811 patent regarding the generation and use of a Survey Module are (emphasis added):

- Claim 20(b)(ii)(D) "**generating a Survey Module comprising software code** that implements branching logic that is configured to display a second Survey Question based on a first user-generated input in response to the first Survey Question;"
- Claim 20(c)(ii) "**receiving** from the survey server computing device **the Survey Module**;"

- Claim 20(c)(iv) "**running the Survey Module** to display the first and second Survey Question as an integrated component within the graphical user interface;"

- Claim 21(e) "**generating** by the survey server, **a Survey Module comprising software code**

  (i) for displaying the first Survey Question as an integrated component within a graphical user interface, and

  (ii) implementing branching logic that displays a second Survey Question based on a first user-generated input in response to the first Survey Question;"

- Claim 21(f) "**transmitting** by the survey server, **the Survey Module** to a vendor survey interface; and"

113. As I indicated above, the Survey Module disclosed in the '811 Patent is comprised of software code which is transmitted to a device different from the survey server to a vendor survey interface (i.e. to a customer device). Ganesh does not disclose a survey or Survey Module that comprises software code. This pertains to disclosures in Ganesh regarding both the existing and proposed substitute amended claims of the '811 Patent. This opinion is also regardless of the whether the PTAB's claim construction or my proposed claim construct is applied.

114. For the existing claims 1 and 19 of the '811 Patent, the Survey Module's software code is used to implement (run the Survey Module) the survey

including displaying a survey question. For the substitute amended claims 20 and 21 proposed for the '811 Patent, the Survey Module's software code is used to implement (run the Survey Module) the survey including a display of a first survey question, collecting survey question responses, and using embedded branching logic in the software to select and display a second question based on the response to the first question.

115. Regarding the disclosure in Ganesh of the Survey Module of '811 Patent Claim elements 19(e) and (f) (generating and transmitting a Survey Module), the Petitioner asserts:

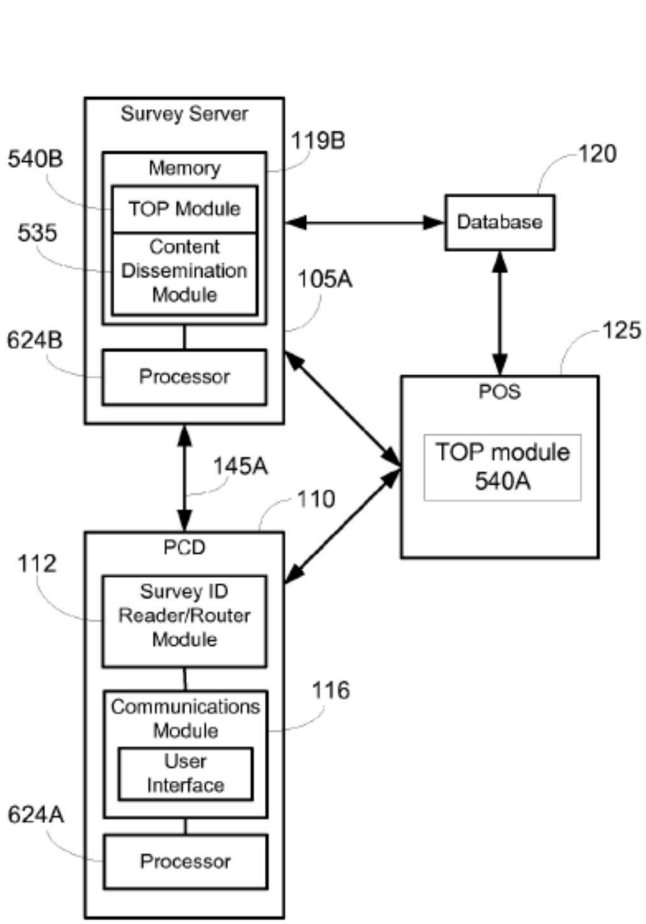
> "Ganesh discloses, via the operations of the survey content determination module, generating software code for displaying at least one survey question. Ex. 1008, ¶52. Ganesh further discloses the PCD may run the application as an interface to a "multimedia platform that may be part of a plug-in for an Internet web browser." Ex. 1008, ¶45" [PTAB-IPR2025-00677-1, pg. 35]

The PTAB Decision summarizes the Petitioner's argument as follows:

> Turning to the next two steps of claim 19 ("*(e) generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface*" and "*(f) transmitting by the survey server, the Survey Module to a vendor survey interface*"), Petitioner asserts that Ganesh discloses its survey

> content determination module (of the survey server) generates software code to display a survey question (*survey module*), which goes to the customer's portable computing device (*vendor survey interface*, e.g., mobile phone with a *graphical user interface*), where an application, such as a web browser plug-in, displays the survey. Pet. 34–37 (citing Ex. 1008 ¶¶ 36, 45, 52). [Decision pg. 36]

116. However, the Petitioner mischaracterizes what occurs in the survey content determination module. As indicated in Ganesh in Fig. 2 below, the content determination module is part of the TOP Module 540B located on the server resides in memory 119B.




Ganesh Figure. 2

117. As described in Ganesh ¶ 52 cited by the Petitioner, there is no disclosure of "**generating software code** for displaying at least one survey question." Rather, the memory on the server "includes instructions for executing one or more of the method steps."

> "[0052] FIG. 2 shows that the survey server 105A may include a processor 624B and a memory 119B coupled to the processor 624B. **The memory 119B may include instructions for executing one or more of the method steps described herein**. Further, the processor 624B and the memory 119B

> may serve as a means for executing one or more of the method steps described herein. As illustrated, the memory 119B may include a **Survey content determination module that works with, or as part of the TOP module 540B to query database 120A and determine Survey content, such as Survey questions, to be pushed to PCD 110.** Further, as illustrated, the memory 119B may include a Content Dissemination ("CD') module 535 that works with, or as a part of the TOP module 540B to transmit various survey contents to PCD 110."

118. In other words, the server memory contains software for creating content for the survey. There is no teaching or suggestion that the content determination module actually generates software to be included in the survey. In fact, the only content identified that is pushed to the customer device (PCD) is survey questions not software code.

119. The fact that Ganesh does not include software code in the survey is further supported by Figure 3. This figure illustrates that the PCD receives the survey (in step 320) and sends responses back to the server (step 325). If any other decisions are required based on the user response for example, then the server decides if additional survey content will be sent to the PCD (step 335). The only survey logic that Ganesh describes as being part of implementing the survey occurs on the server and not within Survey Module software code sent to the PCD.

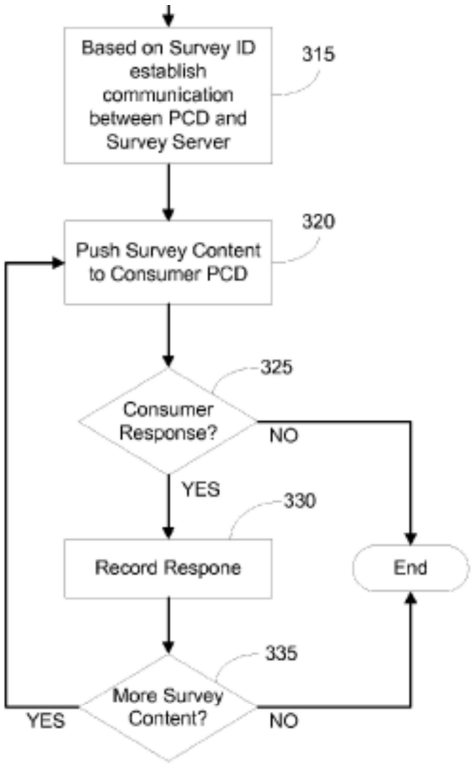



FIG. 3

120. The Petitioner further relies on the PCD running an application as a user interface including a "multimedia platform that may be part of a plug-in for an Internet browser" [Ganesh ¶ 45] However, a POSITA would understand that a browser plug-in or any other type of application that resides on the PCD device is not software code that is transmitted as part of a survey or Survey Module. And the use of a browser to perform a survey only discloses that the survey questions are provided as HTML script, which is not software code.

**2. Ganesh Does Not Anticipate a "campaign data structure"**

121. The claim limitations of the '811 Patent regarding the campaign data structure are:

- Claim 1(b)(i)(B)—"a campaign data structure having survey question data and a configurable condition that is satisfied by the detection of a given purchase detail identifier"

- Claim 8— "the campaign data structure further comprises an Exit Page that points to a webpage address and a second configurable Condition that is satisfied based on a Survey Question response."

- Claim 9—"the campaign data structure further comprises a second configurable condition that is satisfied if a certain purchase detail identifier shares the preselected attribute."

- Claim 14—"the campaign data structure comprises a second configurable Condition that is satisfied by the detection of a given vendor facility identifier."

- Claim 15— "the campaign data structure comprises a third configurable Condition that is satisfied by the detection of a given internal facility location identifier."

- Claim 17—"the Campaign data structure further comprises a Max Question configurable Condition setting a maximum number of survey questions included within the Survey Module."

- Claim 18—"the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response."

- Claim 19(a)(ii)(B) "a campaign data structure having survey question data and a configurable condition that is satisfied by the detection of a given purchase detail identifier;"

122. The amended substitute claim limitations of the '811 Patent regarding the campaign data structure are:

- Claim 20(b)(i)(B) "a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein"

- Claim 21(a)(ii)(B) "a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;"

123. Regarding the disclosure of Claim 19(a)(ii)(B) limitations in Ganesh (a campaign data structure), the Petitioner asserts:

> 'Ganesh discloses presenting a survey ID to a consumer, including Fig. 3 for "provisioning a time of purchase ('TOP') survey to a consumer during a checkout procedure." Ex. 1008, ¶34. Ganesh further discloses the "survey server 105A may select survey content directed to the items that are being purchased by the consumer." Ex. 1008, ¶55."' [Petition pg. 33]

124. The PTAB Decision summarizes the Petitioner's argument as follows:

> "Petitioner asserts that Ganesh's disclosure of a survey ID (presented to a customer) is the recited *survey token*, which relates to purchased items and the customer, as understood by the survey server, which generates survey content based thereon (the *campaign*). *Id.* at 33, 36–37 (citing Ex. 1008 ¶¶ 34, 38, 55, 66, Figs. 1, 3)." [Decision pg. 35]

125. Although the Survey ID may be used to initiate and push survey content to the PCD customer device, there is no disclosure that it can identify a "configurable condition that is satisfied by the detection of a given purchase detail identifier." At

best, the most information disclosed in Ganesh that can be "extracted or derived from a Survey ID or loyalty account data may comprise **a consumer ID, a transaction ID, a directory number ("DN") or calling line ID ("CLID") associated with PCD 110, a retailer ID, a hash value, a codec key, encryption or decryption data, account numbers and other account related data, etc**." [Ganesh 0049]

126. The Petitioner's reference that 'Ganesh further discloses the "survey server 105A may select survey content directed to the items that are being purchased by the consumer"' is from paragraph 64 of Ganesh (not paragraph 55). Here, Ganesh describes a process where the Point-of-Sale device may monitor "the items being scanned and transmitting the data to the Survey server, TOP survey content selection algorithms executed by the **survey server 105A may select survey content directed to the items that are being purchased by the consumer**." [Ganesh 0064, emphasis added] There is no mention that the Survey ID is related to this process or is tied to a data structure identifying a configurable condition.

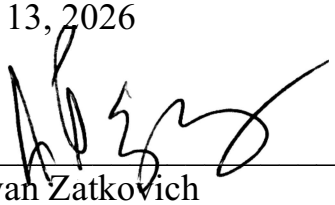
127. In my opinion, the passing of purchase data from the POS to "selection algorithms" on the server does not disclose a campaign data structure, or a data structure of any kind. A POSITA would understand that this process in Ganesh requires a software developer to write software algorithms on the server for providing any type of purchase specific content in the survey. This teaches away

from a data structure that can be easily configured to tailor survey content based on purchase information.

## VII. SIGNATURE

128. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this patent.

Date: January 13, 2026

Signature: 

Ivan Zatkovich

# EXHIBIT A

ecomp CONSULTANTS
INFORMATION TECHNOLOGY & PATENT LITIGATION
TELECOMMUNICATIONS ▪ INTERNET ▪ EFORENSICS

## *Ivan Zatkovich*

*301 W. Platt St. #365 ■ Tampa, FL 33606 ■ (813) 601-8142 ■ izatkovich@ecompconsultants.com*

Ivan Zatkovich is an eBusiness Director and Technology Consultant specializing in Telecommunications, Network and Mobile Communications. Ivan brings over 30 years experience in a diverse set of technologies including, Security Network and Facility Monitoring, Payment Gateways, Point-of-Sale Systems, and mobile payment applications. Ivan has been a testifying expert for over 60 cases including POS Devices, Network, and Wireless patent litigation cases.

Mr. Zatkovich has implemented Wireless and Network infrastructure for clients including GTE / Verizon, Bell Canada, Qwest telephone, Deutsche Telekom, Citicorp, GEICO.

| | | |
|---|---|---|
| **Director / Project Manager** | 13 years | Managed 6 to 35 member teams. Software development, systems Integration, critical path management, PMP/CMM methodologies. |
| **Telecommunications, Mobile / Wireless** | 11 years | Computer Telephony Integration (CTI) since 1984. Wireless Messaging and Transaction Systems, Cell phone provisioning and updates (Verizon, Bell Canada, PTT Netherlands, and Mercury Communications). |
| **POS, Financial Transactions** | 8 years | Point-of-Sale Systems, Mobile and Web POS Devices, Card Transaction systems, Implemented early version of eTrade retail trading website. Developed financial network products and electronic transactions for Smith Barney. Processing of point of sale and credit card transaction systems. |
| **Expert Witness** | 15 years | Expert testimony and damage assessment for ecommerce litigation, internet & software copyright, telecommunications. Over 24 cases providing expert reports, depositions, & trial testimony. |

**Education:**

| | | |
|---|---|---|
| B. S. Computer Science | 1980 | University of Pittsburgh |
| Minor in E.E. digital circuit design | | |
| Master's study and thesis in Computer Networks, Results published in Byte Magazine | | |

**Sample Case Experience:**

**Bear Creek Technologies v. Verizon et.al**

| | |
|---|---|
| Jurisdiction: | Eastern District of Virginia |
| Client: | Bear Creek |
| Nature of Case: | Patent Litigation |

| | |
|---|---|
| Nature of Engagement: | Testifying expert, VoIP, IP based integrated voice, media, and data messaging. Infringement report and Deposition. |
| Represented by: | Cooley Manion Jones |
| Status: | Pending MDL aggregation |

**3M Futures South Africa v. STD Bank, MDT telecom**

| | |
|---|---|
| Jurisdiction: | South Africa Superior Court, Pretoria |
| Client: | 3M Futures |
| Nature of Case: | Patent Litigation |
| Nature of Engagement: | Testified in South Africa for eCommerce technology, Transaction notification messaging, Credit Card authentication and transaction authorization. |
| Represented by: | Stema Lubbe, Ltd |
| Status: | Court ruled in favor of all 36 Infringement and Invalidity rebuttal testimony points. Defendant is appealing |

**Nuance Communications v. TellMe Networks (Microsoft)**

| | |
|---|---|
| Jurisdiction: | U.S. District Court, Delaware |
| Client: | TellMe Networks, A MicroSoft Subsidiary |
| Nature of Case: | Patent Litigation |
| Nature of Engagement: | Provided expertise in speech recognition, digital signal pattern matching, and call center technology. Performed prior art investigation, provided opinions on patent validity and non-infringement. |
| Represented by: | Patterson Belknap Webb & Tyler, LLP |
| Status: | Expert Reports and deposition completed 2009. Summary Judgment in favor of Defendant 2010. |

**Ronald A. Katz v. Fifth Third Bank (and expert for 5 other defendants)**

| | |
|---|---|
| Jurisdiction: | U.S. District Court, Northern California |
| Client: | Defendants |
| Nature of Case: | Patent Litigation for Call Center, and Telecom technology |
| Engagement: | Expertise in Call center systems for Banking, Mortgage, credit cards. Analyze client call center applications, prepare non-infringement and rebuttal reports. |
| Status: | Open |
| Represented by: | Vorys LLP, Wood Herron and Evans. |

**Professional Experience:**

**2000 to Present** **Principal Consultant**
***eComp Consultants*** ***Tampa, FL***

Provide consulting on design and development of software product development, and ecommerce technology. Provide technology consulting and expert support for telecommunications, internet, and ecommerce applications in the areas of:

- Cybersecurity audit methodology and security incursion testing
- Independent consulting for Alcatel-Lucent (AT&T Bell Labs) to review, recommend, and rate Alcatel's extensive Patent portfolio specifically in the area of telecommunications and web-based ecommerce.
- Patent litigation consulting for telecommunications and internet technology patents.
- Provide mobile geolocation for forensics analysis and event location.
- Development of Mesh Network technology, Mobile GUI interfaces for message routing and notification.
- Commercial websites, search engine, and web marketing strategies.
- Sample clients include: Alcatel-Lucent, LogicLink, NWI Corp, Jones Day, Finnegan Henderson, Fish & Richardson, Cozen O'Connors, Morrison Foerster

**2007 to 2008** **Global Web Manager**
***Smith & Nephew Inc.*** ***Clearwater, FL***

Smith & Nephew is a global manufacturer of medical, wound, orthopedic, and surgical supplies. Smith & Nephew has facilities in 33 countries and maintains 35 websites for different product areas and country marketing.

- Designed the Smith & Nephew corporate web architecture for all intranet, extranet, and internet sites.
- Directed a staff of web professionals in developing and managing 35 individual Smith & Nephew websites maintained in the US and 14 countries for both Smith & Nephew clients and internal users.
- Managed and maintain the 650 domains currently owned by Smith & Nephew
- Optimized search engine ranking and website meta tagging.
- Developed corporate technology and IT standards and policies including:
- Created web hosting agreements and IT service contracts (SLAs)
- Defined web development standards
- Researched page ranking, redirection, and domain optimization strategies.

**2002 to 2007** **eBusiness Director**
***Eva-Tone Inc*** ***Clearwater, FL***

Eva-Tone is a $45M commercial multimedia company specializing in ecommerce and marketing solutions, media and content customization, order processing and fulfillment, print & web publishing, CD & DVD manufacturing.

- Set strategic direction of client service offerings in ecommerce and content management.
- Consulted with clients on: web marketing strategy using personalized sales collateral. Defined client profile information to be used to generate customized presentations and brochures.
- Aggressively controlled project scope, managed project timelines, budgets and client expectations.
- Projects proposed and delivered included:

- McGraw-Hill – Enterprise Content Management and automated Web publishing system.
- ProMarine USA – B2B storefront, complex part search, order processing and fulfillment.
- Resource Rabbit – Sales collateral manager. This system retrieves user preferences and client profile information to generate customized electronic presentations and brochures.
- AAA Travel – CRM sales collateral system, instant customized brochures, print-on-demand.

**1999 to 2002** **eBusiness Engagement Manager**
***Tanning Technology and IMRGlobal***

Tanning Technology is an international systems integrator specializing in network infrastructure and channel integration for financial markets and the insurance industry. Proposed and managed eBusiness and Internet infrastructure projects focused on client and user personalization, data mining, and web marketing practices.

Client web engagements proposed and managed:

- Eckerd Pharmacy – Developed eBusiness and web marketing for personalized client web content.
- GEICO – Developed a personalized policyholder web service that uses clients' account history and demographics to customize product literature for cross-sell & up-sell opportunities.
- Developed Integrated VoIP contact and messaging center, to cross-utilize call center resources for simultaneous Telephone, IVR, Chat room, and Call Back messaging and notification. (Geico Insurance)
- Hartford Insurance – Integrated 3 tier online claims processing & subrogation with legacy systems
- Citicorp Bank – Designed mortgage and loan payment system; managed sale of loan contracts
- Smith Barney – Developed remote access network infrastructure & wireless PDA financial system
- Medwerks – Created medical insurance clearinghouse, MDs centrally process insurance payments

**1996 to 1999** **Director of Network & Customer Support**
***Utility Partners, Inc.*** ***Tampa, FL***

Utility Partners developed and customized utility company software for scheduling service appointments, assigning and routing mobile workforce (field technicians), and dispatching and coordinating resources during power outages.

- Mobile data integration – Develop cellular and wireless data messaging for Mobile Field devices
- MobileUp – Wireless field dispatching system and Geolocation of mobile devices.
- Developed system and network monitors for real-time client system monitoring
- Received trouble calls & provided live client support for the following applications:
- TroubleUP – Power outage manager
- Smartnom – Web Gas Auction System for private gas auctions
- CAS – Customer Appointment and Call Center application

**1987 to1996** **Project Manager: Telecom Software**
***GTE Data Services (currently Verizon)*** ***Tampa, FL***

GTE was an $8B Telecommunications company and formed the Commercial Services

division to customize their telephone business software to sell to other telephone companies internationally.

- Managed large product implementations for Telecom billing, service order, and Switch management.
- Developed project proposals, and provided client pre-sales support.
- Created project plans, managed resources, and set expectations for customer delivery projects.
- Specific projects managed:
  - Mercury Communication – setup Service Bureau to bill their new intelligent network services.
  - PTT Netherlands – managed $5M inter-carrier billing project for PTT Netherlands
  - Bell Canada – developed Pricing Plan & Table Management system
  - Deutsche Telekom – designed and developed a German billing prototype system.
  - Received GTE personal best award.

**1980 to 1987** **Software Engineer / Technical Lead**
***Digital Equipment Corp.*** ***Maynard, MA***

As Technical Lead, led the development of manufacturing automation and control software. Projects Included:

- Supply Chain, CAD/CAM – Designed system to retrieve parts information from circuit board CAD design. Developed a parts ordering system based on expected volumes.
- Pick & place automation – Automatically program IC insertion machines. Developed system to determine IC insertion order, generate machine instructions, and download program to machine.

As Software Engineer for embedded controllers and video subsystems, designed and developed PDP-11 operating system and device drivers.

- Enhanced high-speed DecNet drivers for Synch, Asynch, and Parallel communications.
- Designed/developed disk firmware and drivers for floppy & Winchester disks.
- Developed and enhanced video controller firmware and layered graphics system for PRO-350.
- Developed Computer Telephony Integration (CTI) product for telephone answering machines.

**Technical Tools & Environments:**

- Unix, Windows, NT, Microsoft .NET, C#, C/C++, VB, Assembler
- Java, Java script, JSP, IBM Websphere, Microsoft Commerce engine, Blue Martini
- SQL, Oracle, Foxpro, DB2, Crystal Reports, Active-Reports, MQ Series, Tuxedo, Documentum, Interwoven

**Non-litigation consulting work:**

The following lists the companies for whom I was employed or for whom have consulted for non-litigation matters for at least the last 5 years.

- eComp Consultants – 2001 - present
- Alcatel – Lucent – 2008 - 2011
- Verisign - 2011
- Smith & Nephew – 2001 - 2002
- Evatone, Inc – 2002 - 2007
- McGraw Hill - 2002 - 2006

- AAA Travel – 2004 - 2005
- Pro Marine – 2005 - 2006
- Capitol One – 2007
- Network 1 Security Solutions – 2012 – 2013 – evaluation of call center technologies
- LGreen Deals – 2012 – 2015 – evaluation of technologies and startup companies for investment opportunities
- Vaud Advisors Social Media Technology Funds – 2014 – 2016 – identification and selection of technology startup companies
- 3M Futures South Africa – 2014 – 2016 – Mobile payment authentication
- Logiclink – 2015 – IP evaluation for hotel business kiosks
- Mario Constanze – 2019 – Evaluation of Blockchain and Cryptocurrency technology

**Certifications & Publications:**

- Industry Speaker: Internet Publishing standards (Momentum conference) – 2006
  Publishing high volume content for print and web
- Department of Justice: Proposal for internet forensics technology – 1999
  Methods for fingerprinting and detecting copyright material during transmission
- IBM Websphere – Certified ecommerce Solutions Expert - 2000
- Byte Magazine – Published Network Design articles. 1980
- Sync Magazine – Published Programming Techniques and Tutorials 1980-1982
- IEEE SigGraph – Presented ICGS Computer Graphic Standards for IEEE SigGraph conference. 1984
- CMM & PMP – Project management methodologies – 1996 - 1998
- ISO and ANSI – On International ISO and National ANSI Committees for Disk and Media format standards – 1981-1984

**Court Testimony Experience:**
The following is a list of matters in which I have testified in court in at least the past five years.

- *3M Future Africa (PTY) LTD v. The Standard Bank of South Africa LTD, MTN Group Limited and MTN Mobile Money SA (PTY) LTD,* Case #: Patent 2002/2337 (South African High Court) Testifying expert patent infringement and patent validity for the Plaintiff for Online Payments Technology. Bench trial: Testified on the stand for 2.5 days (bench trial). The judge ruled in favor of the Plaintiff on all points of contention for both Infringement and Patent Validity and cited the expert's opinion in each ruling.

- *Kenneth Nkosano Makate v Vodocom*, Case number: 08/20980 (SOUTH GAUTENG HIGH COURT, JOHANNESBURG, SOUTH AFRICA)
  Testifying Expert with Report and Trial Testimony opining on the viability of Makate's concept idea for the "Buzzing Option" that became the "Please Call Me" product; explain other similar concepts used by other service providers and how other business would reward for such a concept that significantly increase revenue and profit for the company. Technology in this case was Unstructured Supplementary Service Data (USSD) a protocol used by GSM cellular telephones to communicate with service provider's computers. USSD can be used for WAP browsing, prepaid callback service, mobile-money services, location-based content services, menu-based information services, and as part of configuring the phone on the network. The judge ruled that Makate should be granted an arbitration hearing to receive compensation for his invention.

- S*wapalease, Inc. v. Sublease Exchange.com, Inc.*, 1:07 CV 00045-SSB (S.D. Ohio 2007)
  Expert for Plaintiff on infringement for the Plaintiff. Patent litigation involving online auto leasing technology. Testified at *Markman* Hearing. The judge accepted 3 out of 5 of the Plaintiff's claim constructions.

- *Fintech v. iControl Systems,* 8:17-cv-00190 (M.D. Florida), filed 1/24/17

Testified on the misappropriation of financial transaction and ecommerce trade secrets for the regulated purchase and sale of alcoholic products. Judge awarded compensatory damages and double punitive damages to the plaintiff.
January 2018 – March 2020

- *Logiclink v. Keylink*, CV07-1056-DOC(MLGx) (C.D. Cal.)
  Patent infringement dispute for the Plaintiff, concerning eCommerce for Kiosks for Hotel Business centers. Bench trial: The judge ruled in favor of, and awarded damages to the client.

- *Black Hills Media, LLC v. Samsung, et al.* INV# 337-TA-882 *[ITC case]*, filed 5/13/2013
  *Samsung, LG, Panasonic, Toshiba, Sharp*
  Testifying Expert on infringement and patent validity for the plaintiff, regarding media streaming, playlists, and geolocation technology. Testified at the ITC hearing. The ITC administrative judges ruled that the accused products did meet the limitation of the claims, but where not in an infringing state at the time of importation.
  July 2014-October 2016

- *CertusView v. S&N,* 2:13-cv-346 (MSD) (LRL) (E.D. Virginia), filed 5/29/13
  Testifying Expert regarding geolocation. U.S. PATENT # 8,265,344, 8,290,204, 8,340,359, 8,407,001, AND 8,532,341. Testifying Expert in inequitable conduct trial concerning impact of undisclosed prior art.
  March 2014-March 2016

- *LivePerson, Inc. v. 24/7 Customer, Inc., Case No. 4:17-cv-01268-JST (*N.D. California), filed 3/10/17*; 1:14-cv-01559-RWS (*S.D. New York), filed 3/4/14
  Testified in an eCommerce and eMarketing regarding the monitoring of user online behavior, online traffic and tracking based on user behavior versus sales conversions.
  March 2018 - 2021

- *Dynamics Inc. v. Samsung Electronics, Co., Ltd.,* ITC Inv. No. 337-TA-1170 Filed July 12. 2019
  Testified at ITC hearing regarding infringement and validity of mobile and wireless payment technology for emulation of NFC / RFID and MST (Magnetic Secure Transactions) to POS terminals.
  July 2019 – 2021

- *AnywhereCommerce/BBPOS v. Ingenico, Inc., et al;* Case No: 1:18-cv-05824-MLB (N.D. Georgia) 1:19-cv-11457 (D. Massachusetts), filed 12/20/18
  Testtifying Expert regarding eCommerce, Wireless Networks, Point-of-Sale devises and transactions
  March 2021 – May 2023

**Case History:**
The following is a list of matters in which I have testified and/or provided expert services (the underlined party identifies which party I was retained by), including all such matters where I have provided written or oral testimony in at least the past five years.

- *eBay v. IDT corp,* IDT 4:08-cv-4015-HFB (W.D. Ark.) (settled 2010)
  Patent infringement. Perform analysis of Voice Over IP providers and prior art candidates; provide non-infringement (suit) and infringement (counter suit) expert reports.
  March 2010 – June 2010

• *Progressive v. State Farm, et al.* CBM2012-00003 (filed 9/16/12), CBM2013-00004 (filed 10/15/12) (PTAB)
*State Farm Insurance, Hartford Insurance, Liberty Mutual Insurance, Safeco Insurance, Ohio Casualty Insurance, Open Seas Solutions, Octo Telematics*
Testifying Expert regarding e-Commerce and vehicle telematics systems. Provided Patent Re-exam Declarations.
March 2013 – February 2014

• *Black Hills Media, LLC v. Samsung, et al.* INV# 337-TA-882 *[ITC case]*, filed 5/13/2013
*Samsung, LG, Panasonic, Toshiba, Sharp*
Testifying Expert regarding Google Latitude running on smartphones and smart phones running software which can direct the streaming of content between, for example, a laptop and a TV or Blu-ray player. Providing device analysis and code review, Infringement Reports and Rebuttal Reports.
July 2014 – October 2016

• *Rembrandt Social Media, LP v. Facebook, Inc. and ADDTHIS, Inc.,* 1:13cv158 (TSE/TRJ) (E.D. Virginia), filed 2/4/13
Testifying Expert regarding social media user content and 3rd party interaction -the diary page and "Like" feature. Provided Non-Infringement Report and deposition.
May 2013 – June 2014

• *Indacon, Inc v. Facebook, Inc.* 5:10-cv-966-OLG (W.D. Texas), filed 12/1/10
Testifying Expert regarding automated creation of user-defined hyperlinks in a database. Provided Non-Infringement Report and deposition.
March 2014 – August 2014

• *GeoTag, Inc v. Frontier Communications Corp. et al.* 2:10-cv-00265 *(E.D. Texas) [Multiple cases]*, filed 7/23/10
*Macy's, Genesco, AGCO Corp., The Rockport Company, LLC., Hennes & Mauritz LP (H&M), Gander Mountain Company, Godiva Chocolatier, DSW, National Interlock Systems*
Testifying Expert regarding e-Commerce, Geo location, store locator-based technology. Provided Non-Infringement Reports for multiple defendants.
July 2013 – January 2014

• *ComplementSoft v. SAS Institute,* 12-cv-7372 (N.D. Illinois), filed 9/14/12
Expert regarding software development tools, database manipulation, SAS programming.
March 2013-February 2015

• *Media Rights Technologies v. Capital One, et al.,* 1:13-cv-476-AJT/TRJ (E.D. Virginia), filed 4/19/13
Expert regarding secure internet Banking System technology USPatent# 7316033.
August 2013 – January 2014

• *CertusView v. S&N,* 2:13-cv-346 (MSD) (LRL) (E.D. Virginia), filed 5/29/13
Testifying Expert regarding geolocation. U.S. PATENT # 8,265,344, 8,290,204, 8,340,359, 8,407,001, AND 8,532,341.
MA 2014-DECEMBER 2014

• *Bright Edge v SearchMetrics,* 4:14-cv-01009 (N.D. California, San Francisco), filed 3/4/14
Testifying Expert regarding search optimization, USPatent# 8478700, USPatent# 8478746.
July 2014 – November 2014

• *Black Hills Media, LLC v. Sonos,* 2:14-CV-00486 SJO (PJWx) (W.D. California), filed 1/21/14

Testifying Expert regarding delivery of stored and streaming audio content over wide-area and local area networks. U.S. PATENT # 6,757,517, 7,236,739, 7,742,740 and 6,826,283
July 2014 – October 2016

• *Yamaha Corp of America v. Black Hills Media, LLC,* 2013-00593, IPR2013-00594, (PTAB), filed 9/18/13
Testifying Expert regarding software which can direct the streaming of content between devices, for example, a laptop and a TV or Blu-ray player. Providing Inter Partes Review Declaration Reports. U.S. PATENT # 8,050,652, 8,045,952
July 2014 – August 2014

• *Samsung Electronics, et al. v. Black Hills Media, LLC,* IPR2014-00737 (filed 5/8/14), IPR2015-00334 (filed 12/3/14), IPR2014-00740 (filed 5/9/14), IPR2015-00340 (filed 12/3/14), IPR2014-00735 (filed 5/7/14) (PTAB)
Testifying Expert regarding software which can direct the streaming of content between devices, for example, a laptop and a TV or Blu-ray player. Providing Inter Parties Review Declaration Reports. U.S. PATENT # 8,050,652, 8,045,952, 6,618,593
July 2014-October 2016

• *GT Nexus v Inttra, Inc.*, 4:11-cv-02145-SBA (N.D. California), filed 5/2/11
Testifying Expert regarding networks & systems used for logistics management. Provided Declaration for CBM petitions. U.S. Patent No. 7,761,387, 7,752,142, 7,827,119, 7,756,794
January 2015 – Sept 2016

• *MyKey Technology, Inc. v. Intelligent Computer Solutions, Inc.,* 2:13-ml-02461-AG (PLAx) MDL NO. 2461 (C.D. California, Southern Division), filed 8/16/13
Testifying Expert regarding hard drives and other mass storage devices, how to access "hidden" storage and cleaning a disk. Provided Validity Rebuttal and MSJ Declaration. U.S. Patent No. 6,813,682, 7,228,379
March 2015 – June 2015

• *Biosignia Inc. v. Life Line Systems*, 1:12-cv-01129-UA-JEP (M.D. North Carolina), filed 10/22/12
Testifying Expert regarding Contract Dispute concerning Health Risk Assessment System.
July 2015 – January 2016

• *Versata Software, Inc. et al. v. Callidus Software Inc.*, C.A. No. 1:10-cv-00781-SLR (D. Delaware), filed 9/14/10
• *Versata Software, Inc. et al. v. Callidus Software Inc.*, C.A. No. 1:12-cv-00931-SLR (D. Delaware), filed 7/19/12
Testifying Expert regarding expertise in sales force automation, workflow analysis, process automation, event management and detection, rules-based systems. Provided analysis for infringement report.
August 2014 – November 2014

• *BuySafe v. Google*, 3:13-cv-00781-HEH (E.D. Virginia), filed 11/25/13
Testifying Expert regarding patent litigation concerning eCommerce specifically to determining the efficacy (effectiveness, strength, success, etc.) of offers that are related to online transactions. The efficacy is determined based on a user's actions in the online environment.
May 2014 – September 2014

• *Phoenix v. General Motors*, 2:13-cv-1093 (E.D. Texas), filed 12/11/13
Testifying Expert regarding patent litigation concerning US Patent 5,987,434 - Apparatus and method for transacting marketing and sales of financial products, US Patent 7,890,366 - Personalized communication documents, system and method for preparing same, US Patent 8,352,317 - System for facilitating production of variable offer communications.

May 2015 – August 2015

• *Macropoint v. FourKites*, 1:15-cv-01002 (N.D. Ohio), filed 5/19/15
Testifying Expert regarding patent litigation concerning U.S. Pat. Nos. 8,604,943, 9,070,295, 9,082,097, 9,082,098, and 9,087,313. At a very high level, the patents are directed to methods and systems for monitoring and tracking the location of a vehicle or freight in transit. Evaluated the claims of the asserted patents to opine on whether the claims are: 1) directed to an abstract idea, and 2) in the event the court would find the claims directed to an abstract idea, how the limitations of the claims transform that abstract idea into patentable subject matter based on the Supreme Court Alice decision being barely a year old.
August 2015 – September 2015

• *Macropoint, LLC, v. Ruiz Food Products, Inc.,* 6:16-cv-1133-RSW-KNM (E.D. Texas, Tyler Division), filed 8/30/16
Testifying Expert regarding patent litigation.
October 2017 – May 2018

• *Longitude v. Apple*, 3:14-cv-04275 (N.D. California, San Francisco), filed 9/23/14
Testifying Expert regarding patent litigation concerning Flash Memory Technology. Provided claim construction support.
April 2015 – February 2016

• *Global Tel Link Corp. v. Securus Technologies, Inc.*, CBM2015-00145 (PTAB), 5/19/15
Testifying Expert regarding a CBM concerning the 7,860,222-patent titled "Systems and Methods for Acquiring, Accessing, and Analyzing Investigative Information," generally directed to acquiring, accessing, and analyzing investigative information or phone call monitoring using speech recognition/transcription of inmates within a jail.
October 2015 - December 2015

• *Global Tel Link Corp. v. Securus Technologies, Inc.*, IPR2015-01222 (PTAB), filed 5/19/15
Testifying Expert regarding an IPR concerning the patent 8,750,486 titled "Call Center for offering goods and services to an inmate population," generally directed to acquiring, accessing, and analyzing investigative information or phone call monitoring using speech recognition/transcription of inmates within a jail.
January 2016 – May 2016

• *Global Tel Link Corp. v. Securus Technologies, Inc.*, IPR2015-01225 (PTAB), filed 5/19/15
Testifying Expert regarding an IPR concerning the patent 8,886,663 titled "Multi-party Conversational analyzer and logger," generally directed to acquiring, accessing, and analyzing investigative information or phone call monitoring using speech recognition/transcription of inmates within a jail.
January 2016 – June 2016

• *CaptionCall v Ultratec, Inc*, IPR2015-01355 (5,974,116) (filed 6/8/15), IPR2015-01357 (6,934,366) (filed 6/8/15), IPR2015-01358 (7,006,604) (filed 6/8/15), IPR2015-01359 (6,493,426) (filed 6/8/15), IPR2015-00636 (8,917,822) (filed 1/29/15), IPR2015-00637 (8,908,838) (filed 1/29/15) (PTAB)
Testifying Expert regarding IPRs concerning call routing/switching that happens when a deaf or hearing-impaired individual makes a phone call.
October 2015 -March 2017

• *Centrak, Inc. v Sonitor Technologies*, Inc., 1:14-cv-183-RGA (D. Delaware), filed 2/12/14
Testifying Expert regarding patent litigation concerning an application on a smart phone which allows a person to walk into a hospital, have infrastructure pick up patient information and send it to say, an MRI office, so office is ready for the patient when patient arrives. Expertise in low energy blue tooth and way

finding and Ultrasonic Tags communicate with Stations. Provided infringement report and invalidity rebuttal.
February 2016 – May 2018

• *Intellectual Ventures II LLC v. T-Mobile USA, Inc., et al.,* C.A. No. 1:13-cv-1633-LPS (D. Delaware), filed 10/1/13*;*
*Intellectual Ventures II LLC v. Nextel Operations, et al., (on behalf of Sprint)* C.A. No. 1:13-cv-1635-LPS (D. Delaware), filed 10/1/13*;*
Testifying Expert regarding non-infringement of US Patent No. 6,115,737 and the 5,339,352 concerning accessing customer contact services over a network and a Directory assistance call completion via mobile systems.
March 2016 – October 2016

• *Askeladden LLC v. N5 Technologies LLC* IPR2017-00083 – 7,197,297 (PTAB), filed 10/14/16*;*
Testifying Expert regarding IPR of US Patent No. 7,197,297 concerning mobile messaging and authentication of mobile devuce users.
September 2016 – January 2018

• *Askeladden LLC v. Verify Smart Corp.* IPR2017-00726 – 8,285,648 (PTAB), filed 1/18/17*;*
Testifying Expert regarding IPR of US Patent No. 8,285,648 concerning electronic transactions and authentication of customers using mobile devices.
November 2016 – February 2018

• *Askeladden LLC v. Digital Verification* IPR2018-00745 – 9,054,860 (PTAB), filed 3/6/18;
Testifying Expert regarding patent litigation.
December 2017 – March 2018

• *Infinity Computer Products, Inc. v. Toshiba America Business Solutions, Inc.,* 2:12-cv-06796-NIQA (E.D. Pennsylvania), filed 12/5/12
Testifying Expert.
November 2017 – May 2018

• *IXI Mobile (R&D) LTD. and IXI IP, LLC v. Blackberry Limited, et al.,* 2:15-cv-01883-JRG-RSP (E.D. Texas, Marshall Division), filed 11/25/15
Testifying Expert.
July 2016 – October 2016

• *Financial Information Technology v. Mark Lopez,* 8:15-cv-02784-T-30AEP (M.D. Florida), filed 12/3/15
Payment processing system, Trade Secrets, Breach of Contract
November 2016 – May 2017

• *Fintech v. iControl Systems,* 8:17-cv-00190 (M.D. Florida), filed 1/24/17
Testifying Expert.
January 2018 – March 2020

• *Alexsam, Inc. v. Green Dot Corporation, Next Estate Communications, Inc., and Does 1 through 10, inclusive, Case No 2:15-cv-05742 CAS(PLAx) (C.D. California, Western Division)*, filed 7/29/15
Testifying Expert.
January 2017 – July 2017

• *Wex Health, Inc., v. Alexsam, Inc.,* Case No 2:17-cv-00733-RWS-RSP (E.D. Texas, Marshall Division), filed 11/8/17

Testifying Expert.
May 2018 – January 2019

• *Bank of the West v. Trisport.com L.L.C., and Seton Claggett and Deborah Claggett,* Case No C2013-1286 (Superior Court of Arizona), filed 2013
eCommerce, eMarketing, Internet Sales, Fulfillment and traffic statistics
November 2016 – May 2017

• *Noble Systems Corp. v. Kabbage, Inc.,* JAMS Arbitration No: 14400004993 (Atlanta, Georgia), *filed 2016*
High Volume Call Center Requirements, Call Center Industry practices
November 2016 – February 2017

• *ComplementSoft LLC v. SAS Institute Inc.,* 1:12-cv-07372 (N.D. Illinois), filed 9/14/12
Testifying Expert.
April 2013 – February 2015

• *Intellectual Ventures II LLC v. T-Mobile USA, Inc., et al, C.A No* 1:13-cv-1635-LPS (D. Delaware), filed 10/1/13*; Intellectual Ventures II LLC v. Nextel Operations, et al, C.A No* 1:13-cv-1635-LPS (D. Delaware), filed 10/1/13*; Intellectual Ventures II LLC v. United States Cellular Corp., C.A No* 1:13-cv-1637 (D. Delaware), filed 10/1/13
Testifying Expert.
March 2016 – November 2016

• *ConnectSoft, Inc. v. NEEO Inc.,* Case No. 2:16-cv-00548-JRG (E.D. Texas, Marshall Division), filed 5/23/16
Testifying Expert.
January 2017

• *LivePerson, Inc. v. 24/7 Customer, Inc., Case No. 4:17-cv-01268-JST (*N.D. California), filed 3/10/17*; 1:14-cv-01559-RWS (*S.D. New York), filed 3/4/14
Testifying Expert.
March 2018 - Current

• *Performance Price Holdings, LLC and its affiliates (PPH) v. Google LLC,* 1:15-cv-09712-LGS (S.D. New York), filed 12/11/15 – 0:2018bcaag01189; 0:2018bcaag01191 (U.S. Court of Appeals, Federal Circuit - CBM2016-00050 for Patent No. 8,799,059, CBM2016-00049for
Patent No. 7,089,195
Testifying Expert.
October 2015 – March 2017

• *Free Stream Media Corp. d/b/a Samba TV v. Alphonso, Inc., 3:17-cv-02107 (N.D.* California*)*, filed 4/19/17
Testifying Expert
February 2017 – October 2018

• *TicketNetwork, Inc. et al. v. CEATS, Inc.,* Case Nos. IPR2018-00244 (filed 11/27/17) and IPR2018-00245 (filed 11/28/17) (PTAB);
Testifying Expert regarding patent litigation
September 2018 – December 2018

• *CG Technology Development, LLC et al v. DraftKings, Inc.,* Case No. 2:16-cv-00781 (D. Nevada), filed 4/7/16;
*CG Technology Development, LLC et al v. FanDuel, Inc.*; Case No. 2:16-cv-00801 (D. Nevada), filed 4/8/16;

*CG Technology Development, LLC et al. v. 888 Holdings PLC*, Case No. 2:16-cv-00856 (D. Nevada), filed 4/14/16;
*CG Technology Development, LLC et al v. Big Fish Games, Inc.*, Case No. 2:16-cv-00857 (D. Nevada), filed 4/14/16;
*CG Technology Development, LLC et al v. Double Down Interactive, LLC,* Case No: 2:16-cv-00858 (D. Nevada), filed 4/14/16;
*CG Technology Development, LLC et al v. Zynga, Inc.,* Case No: 2:16-cv-00859 (D. Nevada), filed 4/14/16;
*CG Technology Development, LLC et al v. Bwin.Party Digital Entertainment, PPLC et al,* Case No: 2:16-cv-00871 (D. Nevada), filed 4/15/16;
Testifying expert on network gaming, gaming interfaces, and wagering strategies. Performed code reviews and infringement contentions for all defendants.
June 2017 - Current

• *Great West Casualty Company, Bitco General Insurance Corporation and Bitco National Insurance Company v. Intellectual Ventures II, LLC.,* Case NO. IPR2015-01706, U.S. Patent 7,516,177 (PTAB), filed 8/12/15
April 2019 – June 2019

• *Uniloc v Autodesk*, 2:15-cv-01187 (E.D. Texas), filed 6/30/15
Consulting Expert regarding non infringement of US Patent No 7783,523 & 8,515,820 concerning systems that facilitated the pricing of construction projects.
February 2017 – July 2017

• *Bellsouth v American Infoage*, *Sago Data Center*; Case No: 14-A-07233-1 (Superior Court of Gwinnett County Georgia), file 2014
Consulting Expert regarding contract dispute where Bellsouth claims they are entitled to easement / free space and power in Sago Data Center. Providing consulting expertise on telecommunication acts, and LEC / CLEC regulation and Data Center practices.
August 2015 – September 2015

- *Karamelion, LLC. v. AT&T Digital Life, Inc.,* Case No. 2:18-cv-331-JRG (E.D. Texas), filed 8/1/18
  Closed 9/5/2019

- *Rpost Holdings, Inc et al v. DocuSign, Inc.,* Case No: 2:12-cv-00683-JRG (E.D. Texas), filed 10/25/12
  January 2019

- *Paid Easy Corp. d/b/a Paideasy v. Mastercard International Incorporated d/b/a Mastercard,* Index No: 63152/2017 (Supreme Court of New York County of Westchester); filed 2017
  Mobile Payments, Point of Sale Integration, Trade Secrets
  March 2019

- *International Business Machines Corporation (IBM) v. Expedia, Inc.,* Case No: 1:17-cv-01875-LPS CJB (D. Delaware), filed 12/29/17
  Pre-internet partitioned apps w/ Advertising, HTTP state and cookies, single sign-on
  May 2019 – July 2019

- *irth Solutions, LLC v. Apex Data Solutions and Service, LLC et al,* Case No: 6:18-cv-06884 (W.D. New York), filed 12/6/18
  Utility Location systems, Locator and Dig tickets, Trade Secrets
  May 2019 -June 2021

- *CG Technology v. William Hill U.S. Holdco, Inc. and Brandy Wine Bookmaking LLC,* Case No: 1:18-cv-00533 (D. Delaware), filed 4/10/18

Location Determination, Gaming, User Verification/ Age detection
April 2019 – September 2020

- *Microchip Technology Inc., v. Delphi Automotive Systems, LLC,* Case No: 1:17-cv-01194-LPS-CJB (D. Delaware), filed 8/24/17
  Peripheral and Devices interfaces, Multi-drop/Multi-host USB and Communications Protocols
  February 2018 – current

- *Uniloc USA, Inc. et al. v. Motorola Mobility, LLC,* Case No: 1:17-cv-1658 (D. Delaware), filed 11/15/17
  CTI, Configurable Telephony appliances, Device interface protocols
  October 2018- January 2019

- *Ubiquitous Connectivity LP v. TXU Energy Retail Company, LLC,* Case No: 3:18-cv-02084 (N.D. Texas), filed 8/10/18
  Distributed Appliance monitoring and control, Multi-hop mesh networks
  October 2018 – January 2019

- *Digital Media Technologies, Inc. v. Amazon.com, Inc.,* Case No: 0:2017cvpri02409*; Digital Media Technologies, Inc. v. Hulu, LLC,* Case No: 0:2017cvpri02410; *Digital Media Technologies, Inc. v. Netflix, Inc.,* Case No: 0:2017cvpri02408 (U.S. Court of Appeals, Federal Circuit), filed 8/9/17
  Media Distribution, Digital Rights Management, Media License Encryption
  March 2018 – November 2018

- *Implicit, LLC v. Sandvine Corporation,* Case No: 2:18-cv-00054 (E.D. Texas), filed 3/8/18*; Implicit, LLC v. NETScout Systems, Inc.,* Case No: 2:18-cv-00053 (E.D. Texas), filed 3/8/18
  October 2018

- *Alexsam, Inc. v. Mastercard International Inc.* Case No: 1:15-cv-02799(E.D. New York), filed 5/14/15
  Point-of Sale, Multifunction Card Activation, Transaction processing
  January 2017- Current

- *Alexsam, Inc. v. Cigna Corporation et al,* Case No: 2:20-cv-00081 (E.D. Texas), filed 4/30/20
  eCommerce, Banking Networks, Point-of-Sale devices and transactions
  February 2021- Current

- *Alexsam, Inc. v. UMB Financial Corp.* Case No: 2:20-cv-00082 (E.D. Texas), filed 3/18/20
  eCommerce, Banking Networks, Point-of-Sale devices and transactions
  April 2021- Current

- *Alexsam, Inc. v. Simon Property Group L.P., Blackhawk Network, Inc., American Express Travel Related Services Company, Inc., U.S. Bank, N.A.; Case No: 2:2019-cv-00331* (Texas Eastern District Court); filed 10/11/2019
  Testifying expert for payments systems, multifunction credit cards, and point of sale systems

- Alexsam, Inc. v. WageWorks, Inc.; Case No: 3:2019-cv-04538 (California Northern District Court); filed 8/2/2019
  Testifying expert for payments systems, multifunction credit cards, and point of sale systems
  October 2019 – December 2020

- Alexsam, Inc. v. Aetna Inc.; Case No: 3:2019-cv-01025 (Connecticut District Court); filed 6/18/2019
  Testifying expert for payments systems, multifunction credit cards, and point of sale systems

April 2019

- *SiteLock LLC v. Comodo Holdings Limited et al.,* Case No: 2:17-cv-04080 (D. Arizona), filed 11/3/17
  Website Security, Online Trust System, 3rd Party Validation/Transaction Authentication
  July 2018- Sept 2018

- *Tamabo, Inc. v. Koninklijke Philips N.V.,* Case No: 2:17-cv-00750 (E.D. Texas), filed 11/21/17
  June 2018 – September 2018

- *Energy Intelligence Group, Inc. et al v. Mizuho Bank, Ltd,* Case No: 1:17-cv-01508 (S.D. New York), filed 2/28/17
  ePublishing, Copyright, Digital Rights Management
  July 2018- August 2018

- *Keynetik, Inc v. Samsung Electronics Co., Ltd and Samsung Electronics America, Inc.,* Case No: 2:17-cv-02794 (D. New Jersey), filed 4/24/17
  Fleet Management, Geolocation, Accounting
  September 2017 – June 2018

- *Edible International, LLC et al v. Google, LLC,* Case No: 3:18-cv-00216 (D. Connecticut), filed 2/5/18
  Search Engine Optimization, eMarketing, Geo & Location based Search
  May 2018

- *Re/Max, LLC v. Quicken Loans, Inc.,* Case No: 1:16-cv-02357 (D. Colorado), filed 9/19/16
  eCommerce Contract disputes, eMarketing, Financial Products, Commercial Websites
  May 2018

- *Fantasy Interactive Inc. v. HTC Corporation,* Case No: 2:16-cv-01720 (W.D. Washington), filed 11/4/16
  Industry standards for Website development and software project management
  January 2018 – April 2018

- *Noble Systems Corp., v. AGR Group, LLC,* Case No: 8:16-cv-03406 (M.D. Florida), filed 12/14/16
  Call Center Operations, Software Licensing
  December 2016 – May 2017

- *Paysys International, Inc v. Atos Se, et al cases,* Case No: 1:14-cv-10105 (S.D. New York), filed 12/23/14
  Credit Card Business Process, Copyright, Code review
  July 2016 – April 2017

- *IBM v. Amazon.com,* Case No: 9:06-CV-242 (E.D. Texas), filed 10/26/06
  *May 2019 – Current*

- *Dynamics Inc. v. Samsung Electronics, Co., Ltd.,* ITC Inv. No. 337-TA-1170 Filed July 12. 2019
  Testifying expert for mobile and wireless payment technology for emulation of NFC / RFID and MST (Magnetic Secure Transactions) to POS terminals.
  July 2019 – 2021

- *Dynamics Inc. v. Samsung Electronics, Co., Ltd.,* Case No. 1:19-cv-06479 (S.D. New York), filed 7/12/19
  Testifying expert for mobile and wireless payment technology for emulation of NFC / RFID and MST (Magnetic Secure Transactions) to POS terminals. July 2019 – 2021
  April 2019 - current

- *AnywhereCommerce v. Square* IPR2019-01625, IPR2019-01627, IPR2019-01629, IPR2019-01649, IPR2019-01650, IPR2019-01651, IPR2019-01652, IPR2019-01653, IPR2019-01654 (PTAB), filed 9/30/19
  Mobile/Wireless Point of Sale Data Communications. Financial and Card transactions
  July 2019 - current

- *Merck & Co., Inc et al v. Merck KGAA;* Case No. 2:16-cv-00266 (D. New Jersey), filed 1/15/16
  Use of Tradenames within a Domain/Area, Web Analytics, Geofencing, Geo-Blocking, Search Engine behavior
  June 2019 – August 2019

- *Arendi S.A.R.L. v. Google LLC*, 1:13-cv-919-LPS*; Arendi S.A.R.L. v. Oath Holdings Inc. et al.,* 1:13-cv-920-LPS*; Arendi S.A.R.L. v. Microsoft Mobile Inc.,* 1:12-cv-1599-LPS*; Arendi S.A.R.L. v. Apple Inc.,* 1:12-cv-1596-LPS*; ArendiS.A.R.L. v. LG Electronics Inc., et al.,* 1:12-cv-1595-LPS*; Arendi S.A.R.L. v. Sony Mobile Communications (USA) Inc., et al.,* 1:12-cv-1602-LPS*; Arendi S.A.R.L. v. Blackberry Ltd., et al.,* 1:12-cv-1597-LPS*,* all pending in the United States District Court for the District of Delaware*;* and *Arendi S.A.R.L. v. HTC Corp. et al., 2:18-cv-1725-BJR,* pending in the United States District Court for the Western District of Washington.
  User-device interfaces, smart lookup, auto completion technology
  August 2019 – February 2020

- *Digital Retail Apps. Inc., v. HEB Grocery Company, LP;* Case No: 6:19-cv-00167 (W.D. Texas), filed 2/20/19
  Wireless POS and payment devices, secure payment authorization, dynamic token generation
  August 2019 – Current

- *NICE Ltd. et al v. CallMiner Inc.;* Case No: 1:2018cv02024 (Delaware District Court), filed 12/19/2018
  Call Center, Call and Event recording, Speech and Data analysis
  July 2020 – August 2021

- *Oanda Corporation v. Gain Capital Holdings, Inc. et al;* Case No: 3:20-cv-05784 (D. New Jersey), filed 5/11/20
  Financial & Trading Systems, Currency Exchange, Financial transaction
  July 2020 – Current

- *Oanda Corporation v. StoneX Group, Inc.;* Case No: 1:20-cv-07785 (N.D. Illinois), filed 12/30/20
  eCommerce, Financial Transactions, eTrading
  March 2021 – Current

- *AnywhereCommerce/BBPOS v. Ingenico, Inc., et al;* Case No: 1:18-cv-05824-MLB (N.D. Georgia) 1:19-cv-11457 (D. Massachusetts), filed 12/20/18
  eCommerce, Wireless Networks, Point-of-Sale devises and transactions
  March 2021 – Current

- *Flightdocs II, LLC v. Traxxall Services, Inc., and Dawn King;* Case No: 19-ca-006797 (Lee County Florida), filed 10/14/19 – Trade Secrets
  ERP Systems, Facility Management and Equipment Maintenance
  April 2021 – Current

- *Alorica, Inc* v. Fortinet, Inc.; Case No: 19CV344971 (Superior Court of California, County of Santa Clara), filed 10/21/2020
  Call Center Network Communications, VoIP, Routing, Breach of Contract, SD-WAN
  December 2020 – Current

- *Drips Holdings, LLC v. Teledrip LLC, et all.;* Case No: 5:2019-cv-02789 (Ohio Northern District Court) filed 1/26/2019
  Conversational Market technology, Natural language recognition, eMarketing
  September 2021 - Current

- *Island Intellectual Property LLC v. TD Ameritrade, Inc. et al.*, Case No, 2:21-cv-273 (E.D. Tex.) filed July 20, 2021
  Banking and Financial transactions, Aggregate deposit, Sweep Accounts
  October 2021 - Current

- *Digital Retail App Inc. v. Sam's Club West, Inc. d/b/a Sam's Club*; Case No. 2:21-CV-00184-JRG-RSP (E.D. Tex.), filed 5/26/2021
  Wireless POS and payment devices, secure payment authorization, in-store self-payment
  August 2021 – March 2022

- *ClearDoc, Inc. v. RiversideFM, Inc.,* Case No. 1:2021-cv-01422 (Delaware District Court) filed 10/6/2021
  Mobile communication, Media recording and transmission protocols
  September 2021 – Current

- *B.E. Technology, L.L.C v. Google, LLC;* Case No: 1:2020-cv-00622 (Delaware District Court)*; B.E. Technology, L.L.C v. Twitter, Inc*; Case No: 1:2020-cv-00621 (Delaware District Court) Patent Nos: 8,549,410, 8,549,411 and 8,769,440
  Targeting Advertising from Content tagging/Keywords (Device id, location, content, and keyword history)
  May 2020 – Current

- *Semafone Limited and Semafone, Inc., v. PCI PAL (U.S.) Inc.,* Case No: 3:2021-cv-00486 Western District Court of N. C.); filed 9/15/2021
  Call signal processing, CTI/Computer telephony integration, Call center payment transactions
  November 2021 - Current

- *Applications In Internet Time, LLC v. Salesforce.com; Case No. 3:13-cv-00628-RCJ-VPC* (Nevada District Court); filed 11/8/2013
  Multi-tenancy call centers, Client/Server/Browser based app design, Dynamic generation of app and UI, Automated change management
  October 2021 – September 2023

- *Droplets, Inc. v. Yahoo! Inc.; Case No: 12-cv-04047-JST; Droplets, Inc. v. Nordstrom, Inc. Case No: 12-cv-04049-JST* (N.D. Court of California); filed 8/1/2012
  Web Marketing, Analytics, eCommerce systems, GUI & Web Metrics
  Case resulted in 15 million dollar settlement for Droplets client
  November 2020 – April 2023

- *General Video v. Vivo Technologies Sdn Bhd*; Case No: WA-22IP-80-12/2020 (High Court of Malaya at Kuala Lumpur
  Compressed video transmission & synchronization, MPEG, ISO 13818
  November 2021 – Current

- *Epic Tech, LLC v. Fusion Skill, Inc., et al*; Case No: 4:2019-cv-02400 (Texas Southern District Court); filed 7/3/2019
  Online Gaming, Sweepstakes, Game payout, Patent & Trade Secrets
  June 2020 - Current

- *Epic Tech, LLC v. Penn-Tech Associates, Inc.;* Case No: 1:2020-cv-02428 (Georgia Northern District Court); filed 6/5/2020
  Online Gaming, Sweepstakes, Game payout, Patent & Trade Secrets
  September 2020 – Current

- *Askeladden LLC v. Mobile Equity Corp.;* Patent No. 10,535,058 and 8,589,236(PTAB)
  Testifying Expert on Payment transactions, Point of Sale, and Authentication systems
  November 2021 – Current

- *Askeladden LLC v. Electronic Receipts Delivery Systems, LLC;* Patent No. 10,535,058 and 8,589,236(PTAB)
  Testifying Expert on Payment transactions, Point of Sale, and Authentication systems
  February 2020 – Current

- *Askeladden LLC v. Authwallet LLC;* Patent No. 8,280,776 (PTAB)
  Testifying Expert on Payment transactions, Point of Sale, and Authentication systems
  August 2020 – Current

- *Askeladden LLC v. eCredit Solutions LLC;* Patent No. 8,788,353 (PTAB)
  Testifying Expert on Payment transactions, Point of Sale, and Authentication systems
  November 2020 – Current

- *Askeladden LLC v. Xylon Licensing LLC;* Patent No. 8,719,165 (PTAB)
  Testifying Expert on Payment transactions, Point of Sale, and Authentication systems
  January 2021 – Current

- *Askeladden LLC v. AML IP LLC;* Patent No. 6,876,979 (PTAB)
  Testifying Expert on Payment transactions, Point of Sale, and Authentication systems
  September 2021 – Current

- *Askeladden LLC* v. Kioba Processing LLC; Patent No. 7,110,792 B2
  Testifying Expert on Payment transactions, Point of Sale, and Authentication systems
  July 2022 - Current

- *Askeladden LLC* v. Liberty Peak Ventures LLC; Patent No. 7,837,100 B2 and 8,905,301 B2
  Testifying Expert on Payment transactions, Point of Sale, and Authentication systems

November 2022 – Current

- *CoolTvNetwork.com, Inc. v. Facebook, Inc.; Case No: 19-292-LPS-JLH; CoolTvNetwork.com, Inc. v. International Business Machines Corp.; Case No: 19-293-LPS-JLH; CoolTvNetwork.com, Inc. v. Limelight Networks, Inc.; Case No: 19-292-LPS-JLH; CooltTvNetwork.com, Inc. v. Microsoft Corp.; Case No: 19-296-LPS-JLH; CoolTvNetwork.com, Inc. v. Ooyala Inc.; Case No: 19-297-LPS-JLH; CoolTvNetwork.com Inc. v. SNAP Inc.; Case No: 19-534-LPS-JLH; CoolTvNetwork.com Inc. v. Trapelo Corp; Case No: 19-535-LPS-JLH* (District of Delaware); filed 2/11/2019
  Media Hotspot/hyperlink actions, User interface for eCommerce activities (shop, bid, interact)
  October 2020

- *Business Solutions, LLC v. Banir Ganatra et al;* Case No: 8:2018-cv-01426 (California Central District Court); filed 8/10/2018
  Search Engine Optimization, Market Segmentation, eMarketing economics and ROI, Trade Secrets
  October 2019 – March 2022

- *Energy Intelligence Group, Inc. et al v. Lazard Freres & Co. LLC; Case No: 4:2018-cv-02241* (Texas Southern District Court); filed 6/28/2018
  Testifying expert for copyright infringement for online subscription and distribution licenses
  June 2019 -October 2019

- *MQ Gaming, LLC et al. v. LEGO Systems, Inc. et al; Case No: 1:2019-cv-00905* (Delaware District Court); filed 5/14/2019
  Video game controllers, Joystick design and mfg., User Interface
  November 2020 -March 2021

- *Kenneth Nkosana Makate v, Vodacom (PTY) LTD; Case No:08/20980 (South Gauteng High Court, Johannesburg)*
  Testifying expert regarding the technology valuation of call back notification messaging
  May 2013 – March 2019

- *Island Intellectual Property LLC, Lids Capital LLC, Double Roock Corporation and Intrasweep LLC, v. Deutsche Bank Trust Company Americas, and Total Bank Solutions, LLC; Case No: 09Civ. 2675(VM)(ALP)* (Southern District Court of New York); filed 3/24/2009
  Provide expertise in bank transactions for Sweep Accounts, including features for interest bearing, FDIC insured, Omnibus accounts. Provided expert infringement & invalidity report and Deposition
  September 2009 – February 2012

- *Parus Holdings, Inc. v. Capital One Bank (USA) N.A.,* Case No. 2:21-cv-0395-JRG (E.D. Texas); filed 10/22/2021
  Telecom speech recognition, Natural language speech recognition, IVR voice commands
  February 2022 – Current

- *Parus Holdings, Inc. v. Bank of America Corp*:, Case No:2:21-cv-00394 (E.D. Texas); filed 10/22/2021
  Telecom speech recognition, Natural language speech recognition, IVR voice commands
  July 2022 – February 2023

- *Stylitics, Inc. v. FindMine, Inc.;* Case No: 1:2022-cv-02983 (S.D. of New York); filed 4/11/2022
  Online Retail Systems, Purchase recommendations, Shopping Experience
  August 2022 – current

- *Q Technologies, Inc. v. Walmart, Inc.*; Case No: 6:2021-cv-00779 (D.C. of Texas Western); filed 7/29/2021
  Retail POS systems, Payment Systems, Data/Content sharing and distribution
  September 2022- Current

- *XpertUniverse, Inc. v Cisco.* Exparte Reexamination, Control No. 90/014,427
  Filed: 12/27/2019
  Patent number: 7,499,903 Semantic To Non-Semantic RoutingFor Locating A Live Expert
  Sept. 2022 - current

- *CloudofChange, LLC v. Lightspeed POS Inc.;* Case no. 6:2021-cv-01102 (W.D. Texas), filed 10/22/2021
  Web-based Point of Sale, Configurable POS terminals, Subscription SAS services
  April 2023 - Current

- *Blaze Mobile v. Samsung -Patent Reexam*
  Patent Nos: 10,825,007; 10,699,259
  Mobile Targeted Advertising, eCommerce Online Transactions, POS NFC transactions
  April 2023 - Current

- *Result Marketing Group, Ltd v. Southeastern Grocers, LLC et al;* Case no: 3:2021-cv-00611 (M.D. of Florida); filed 6/17/2021
  Trade Secrets, eMarketing, Outsourcing for centralizing media opportunities
  January 2023 - Current

- *Sony Group Corporation et al v. inMusic Brands, Inc.,* IPR2023-00294 (PTAB)
  filed 12/1/2022
  Patent No: 7,567,498 B2,
  Audio Signal Encoding, Media transmission, Media Players
  October 2023 - Current