

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FEDEX CORPORATE SERVICES, INC.,
Petitioner,

v.

R2 SOLUTIONS LLC,
Patent Owner.

Case No. IPR2022-01457
U.S. Patent No. 7,698,329

**DECLARATION OF MATTHEW FORDHAM
IN SUPPORT OF PETITION FOR INTER PARTES REVIEW OF
U.S. PATENT NO. 7,698,329**

I, Matthew Fordham, declare as follows:

1. I provide this declaration in support of the Petition for *Inter Partes* Review of U.S. Patent No. 7,698,329 filed by FedEx Corporate Services, Inc. (“FedEx”). I make this declaration based on my own personal knowledge and, if called upon to testify in this proceeding, would testify competently and truthfully to the statements made and matters discussed herein. Although I am being compensated for my time at my usual and customary rate of \$200.00 USD per hour, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

2. I am the President, CEO, and Chief Technologist of LOGIKA Corporation® (“LOGIKA”). I have been a part of LOGIKA’s Management Team ever since I co-founded the company with Bart Voypick and John Sortino in February of 1998. I am personally involved with the development and maintenance of LOGIKA’s FusionBot® web development and search engine products (“FusionBot”), and I have been so involved ever since their launch.

3. LOGIKA initially launched FusionBot in 2000 as a means for affording users the ability to configure website searches without having to purchase additional software of their own. Ultimately, LOGIKA made the decision to offer FusionBot in a “Software-as-a-Service” (“SaaS”) format.

4. The FusionBot® web development and search engine products website (“FusionBot Website”), which went live in August 2000, provided (and still provides) an interface through which customers could (and still can) subscribe to use FusionBot. However, this was not the FusionBot Website’s only function. From the date it went live, the FusionBot Website further offered (and still offers) information on available FusionBot product packages and on the various features and capabilities of each of said packages, among other subscriber-facing utilities.

5. Among the FusionBot Website’s webpages was one entitled “What’s New?” (“What’s New Page”), which was designed to document updates and improvements made to the features and capabilities of the FusionBot product line. The What’s New Page was initially added to the FusionBot Website on or before February 6, 2003, and it was periodically updated over the years to keep subscribers apprised of the newest FusionBot innovations so that they could take full advantage of their subscriptions. I have reviewed pages 5-9 of Exhibit 1005 in this proceeding and confirm that they are a true and accurate copy of the What’s New Page as it was published and displayed to visitors of the FusionBot Website on December 18, 2005.

6. In addition, the FusionBot Website also included a “Support Center” comprising two primary elements. First, the Support Center provided a support request form, through which subscribers to and other visitors of the FusionBot Website could submit questions or concerns about FusionBot to LOGIKA personnel.

Second, the Support Center housed a series of webpages that were designed to preemptively answer “Frequently Asked Questions” (“FAQ Pages”) about FusionBot’s various features. Many of these FAQ Pages were initially drafted and published in response to a number of substantial updates LOGIKA made to FusionBot between 2000 and 2005. Consistent with LOGIKA’s practice, these FAQ Pages were also revised over time to account for additional updates and improvements to FusionBot.

7. The FAQ Page for Frequently Asked Question #26 (“FAQ #26 Page”), added to the FusionBot Website on or before November 25, 2002, addressed whether users of the FusionBot platform could customize which elements were displayed in the search engine results presented on their websites. The FAQ #26 Page explained to users how this sort of customization could be achieved. I have reviewed page 1 of Exhibit 1005 in this proceeding and confirm that it is a true and accurate copy of the FAQ #26 Page as it was published and displayed to visitors of the FusionBot Website on September 5, 2003.

8. The FAQ Page for Frequently Asked Question #29 (“FAQ #29 Page”), added to the FusionBot Website on or before February 6, 2003, addressed whether FusionBot offered users a means of preventing one or more sections of their webpages from being indexed by a search engine crawler. The FAQ #29 Page explained to users how this sort of selective indexing of sections of webpages could

be achieved. I have reviewed pages 2-3 of Exhibit 1005 in this proceeding and confirm that it is a true and accurate copy of the FAQ #29 Page as it was published and displayed to visitors of the FusionBot Website on December 30, 2005.

9. The FAQ Page for Frequently Asked Question #47 (“FAQ #47 Page”), added to the FusionBot Website on or before February 5, 2003, addressed whether FusionBot offered users a means of preventing one or more hyperlinks on their webpages from being followed by a search engine crawler. The FAQ #47 Page explained to users how this sort of selective preclusion of crawlers from following hyperlinks on webpages could be achieved. I have reviewed page 4 of Exhibit 1005 in this proceeding and confirm that it is a true and accurate copy of the FAQ #47 Page as it displayed to visitors of the FusionBot Website on November 25, 2005.

10. The What’s New Page and the FAQ Pages, once added to the FusionBot Website, were all publicly available and publicly accessible via said website. None of these pages ever required a login or subscription to access them. Thus, in addition to FusionBot’s subscribers, the general public and anyone interested in FusionBot’s functionalities and capabilities were able to access the What’s New Page and the FAQ Pages.

11. I declare that all statements made herein of my own knowledge are true and that these statements were made with the understanding that willful false statements and the like so made are punishable by fine, imprisonment, or both under Section 1001 of Title 18 of the United States Code.

Executed on August 25, 2022 in Geneva, Illinois.

/Matthew Fordham/
Matthew Fordham