UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UBER TECHNOLOGIES, INC.,
Petitioner

v.

SURGETECH LLC,
Patent Owner

Case IPR2023-00738
Patent 11,475,047

DECLARATION OF SAYEM OSMAN

I, Sayem Osman, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a paralegal at the law firm of Groombridge, Wu, Baughman & Stone LLP.

2. I provide this Declaration in connection with the Petition for *Inter Partes* Review of U.S. Patent No. 11,475,047 in the above-captioned *Inter Partes* Review proceeding that is being requested at the U.S. Patent and Trademark Office by Petitioners under 35 U.S.C. §§ 311-319, 37 C.F.R. § 42. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. EX1001 hereto is a true and correct copy of United States Patent No. 11,475,047 which I retrieved on March 19, 2023, from the United States Patent & Trademark Office's Patent Public Search Basic (PPUBS Basic) website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/11475047). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1001 but no other alterations have been made.

4. EX1002 hereto is a true and correct copy of the File History for United States Patent No. 11,475,047, which I retrieved on March 19, 2023, from the United States Patent & Trademark Office's Patent Center website (https://patentcenter.uspto.gov/applications/17749091/ifw/docs). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1002 but no other alterations have been made.

5. EX1004 hereto is a true and correct copy of United States Patent Pub. No. 2007/0075136, which I retrieved on March 27, 2023, from the United States Patent & Trademark Office's Patent Center website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/20070075136). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1004 but no other alterations have been made.

6. EX1006 hereto is a true and correct copy of Japanese Patent Application Publication JP 2005-332346, which I retrieved on March 27, 2023, from the Google Patents website (https://www.j-platpat.inpit.go.jp/gazette_work3/domestic/A/417332000/417332300/417332340/417332346/6A09B4E9FF1C0440A7394FC4DF1971F4A06DFE83480D36D107DB703FBD631AE6/JPA%202005332346-000000.pdf). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1006 but no other alterations have been made.

7. EX1008 hereto is a true and correct copy of Japanese Patent Application Publication JP 2002-104622, which I retrieved on March 15, 2023, from the Japan Platform for Patent Information website (https://www.j-platpat.inpit.go.jp/gazette_work2/domestic/A/414104000/414104600/414104620/414104622/B38A0B64EA721676E59020D80747FF07DFF21166C2F8E457D4AE43076E599045/JPA2002104622-000000.pdf). An exhibit label on the first page and page numbers on

all pages have been added to the bottom of EX1008 but no other alterations have been made.

8. EX1009 hereto is a true and correct copy of Michael Franklin's and Stanley Zdonik's article titled "*Dissemination-Based Information Systems,"* IEEE Data Eng'g Bull. 19:20-30 (1996), which I retrieved on March 14, 2023, from http://sites.computer.org/debull/96SEP-CD.pdf. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1009. Additionally, paragraph numbers in brackets have been added. No other alterations have been made.

9. EX1010 hereto is a true and correct copy of United States Patent No. 7,996,265, which I retrieved on March 27, 2023, from the United States Patent & Trademark Office's Patent Center website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/20070075136). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1010 but no other alterations have been made.

10. EX1011 hereto is a true and correct copy of United States Patent No. 7,894,936, which I retrieved on March 27, 2023, from the United States Patent & Trademark Office's Patent Center website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7894936). An exhibit label on the first page

and page numbers on all pages have been added to the bottom of EX1011 but no other alterations have been made.

11. EX1012 hereto is a true and correct copy of United States Patent Pub. No. 2006/0085296, which I retrieved on March 27, 2023, from the United States Patent & Trademark Office's Patent Center website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/20060085296). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1012 but no other alterations have been made.

12. EX1013 hereto is a true and correct copy of United States Patent Pub. No. 2002/0186144, which I retrieved on March 27, 2023, from the United States Patent & Trademark Office's Patent Center website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/20020186144). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1013 but no other alterations have been made.

13. EX1014 hereto is a true and correct copy of U.S. Patent No. 8,050,976, which I retrieved on March 27, 2023, from the United States Patent & Trademark Office's Patent Center website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8050976). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1014 but no other alterations have been made.

14. EX1015 hereto is a true and correct copy of U.S. Patent No. 8,051,015, which I retrieved on March 27, 2023, from the United States Patent & Trademark Office's Patent Center website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8051015). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1015 but no other alterations have been made.

15. EX1016 hereto is a true and correct copy of United States Provision Patent Application No. 60/737,071, which I retrieved on March 14, 2023, from the United States Patent & Trademark Office's Patent Center website (https://patentcenter.uspto.gov/applications/60737071/ifw/docs?application=). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1016 but no other alterations have been made.

16. EX1017 hereto is a true and correct copy of *U.S. District Courts—National Judicial Caseload Profile* (September 30, 2022). I retrieved this exhibit on March 14, 2023, from https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0930.2022.pdf. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1017 but no other alterations have been made.

17. EX1018 hereto is a true and correct copies of the Scheduling Order (Dkt. 34, Oct. 27, 2022), and Stipulations to Extend Time (Dkts. 49 (Dec.13, 2022) & 55

(Feb. 16, 2023)), in *SurgeTech, LLC v. Uber Technologies, Inc. d/b/a Uber*, C.A. No. 1:22-cv-00882-GBW. I retrieved this exhibit on March 15, 2023, from https://www.docketalarm.com/cases/Delaware_District_Court/1--22-cv-00882/SurgeTech_LLC_v._Uber_Technologies_Inc/. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1018 but no other alterations have been made.

18. EX1020 is a true and correct copy of the e-mail dated March 27, 2023 from Robert Vincent to Jack Blumenfeld, et al. SurgeTech, LLC v. Uber Technologies, Inc., which I received as an attachment to an email from Uber Technologies Inc's counsel at Gibson, Dunn & Crutcher LLP. on March 27, 2023. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1020 but no other alterations have been made.

19. EX1021 hereto is a true and correct copy of Defendant Uber Technologies, Inc.'s Identification of Claim Constructions, in *SurgeTech, LLC v. Uber Technologies, Inc. d/b/a Uber*, C.A. No. 1:22-cv-00882-GBW. I retrieved this exhibit on March 17, 2023, as an attachment to an email from Uber Technologies Inc's counsel at Gibson, Dunn & Crutcher LLP. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1021 but no other alterations have been made.

20. EX1022 hereto is a true and correct copy of Plaintiff SurgeTech LLC's Responses and Proposed Constructions to Defendant Uber Technologies, Inc.'s Identification of Claim Constructions, in *SurgeTech, LLC v. Uber Technologies, Inc. d/b/a Uber*, C.A. No. 1:22-cv-00882-GBW. I retrieved this exhibit on March 17, 2023, as an attachment to an email from Uber Technologies Inc's counsel at Gibson, Dunn & Crutcher LLP. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1022 but no other alterations have been made.

21. EX1025 hereto is a true and correct copy of IEEE Technical Committee on Data Engineering, Data Engineering Bulletin Issues, available at http://sites.computer.org/debull/bull_issues.html, which I retrieved on March 16, 2023. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1025 but no other alterations have been made.

22. EX1026 hereto is a true and correct copy of Sunmee Choi's and Sheryl Kimes's article titled "*Electronic Distribution Channels' Effect on Hotel Revenue Management,"* Cornell Hotel and Restaurant Administration Quarterly, Vol.43, Issue 2 (2002), which I retrieved on March 20, 2023, from https://ecommons.cornell.edu/bitstream/handle/1813/71943/Kimes34_Electronic_distribution_channels.pdf?sequence=1&isAllowed=y. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1026.

23. EX1027 hereto is a true and correct copy of a listing of issues of Cornell Hotel and Restaurant Administration Quarterly, *available at* https://www.sciencedirect.com/journal/the-cornell-hotel-and-restaurant-administration-quarterly/issues, which I retrieved on March 20, 2023. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1027.

24. EX1028 hereto is a true and correct copy of a screenshot of https://journals.sagepub.com/doi/abs/10.1177/0010880402433002 showing Electronic Distribution Channels' effect on Hotel Revenue Management, which I retrieved on March 20, 2023. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1028.

25. EX1029 hereto is a true copy of excerpted pages from Robert Phillips's book titled "*Pricing and Revenue Optimization*" (2005). I understand Groombridge Wu requested the book from Dr. Amelia Regan. I received the book via FedEx, and it was copied in my presence, then excerpted to create the exhibit. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1029.

26. EX1031 hereto is a true copy of excerpted pages from Robert Phillips's book titled "*Pricing and Revenue Optimization*" (2005) from Library of Congress from Copies 1 and 2 (including March 27 and 28, 2023 Declarations of Kyle

Noreiga). I understand Groombridge Wu requested copies of this book from the Library of Congress and received the excerpted pages from Cogency Global Inc. on March 21 and March 28, 2023, as well as associated declarations on March 27, 2023, and March 28, 2023. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1031.

27. EX1032 hereto is a true copy of excerpted pages from Nathaniel E. Frank-White's affidavit dated March 22, 2023, in reference to Robert Phillips's book titled "*Pricing and Revenue Optimization*" (2005). I have omitted certain pages that I understand are not relied on. Other than excerpting the pages and adding an exhibit label on the first page and page numbers on all pages to the bottom of EX1032, no other alterations have been made.

28. EX1033 hereto is a true copy of excerpted pages from Robert Phillips's book titled "*Pricing and Revenue Optimization*" (2005). I understand Groombridge Wu requested the book via Inter Library Loan on March 21, 2023, from Gelman Library at George Washington University. I received the book via FedEx on March 24, 2023. I then scanned the excerpted pages to create the exhibit. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1033.

29. EX1034 hereto is a true copy of catalog records from Gelman Library for Robert Phillips's book titled "*Pricing and Revenue Optimization*" (2005)

(EX1033), available at, https://wrlc-gwu.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma9962728943604107&context=L&vid=01WRLC_GWA:live&lang=en&search_scope=DN_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,Pricing%20and%20Revenue%20Optimization and https://wrlc-gwu.primo.exlibrisgroup.com/discovery/sourceRecord?vid=01WRLC_GWA:live&docId=alma9962728943604107&recordOwner=01WRLC_NETWORK, which I retrieved on March 26, 2023. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1034.

30. EX1035 hereto is a true copy of the MARC Record from the Library of Congress for Robert Phillips's book titled "*Pricing and Revenue Optimization*" (2005) (EX1031), available at https://catalog.loc.gov/vwebv/holdingsInfo?searchId=9902&recCount=25&recPointer=2&bibId=13915803, https://catalog.loc.gov/vwebv/staffView?searchId=9902&recPointer=2&recCount=25&bibId=13915803, and https://lccn.loc.gov/2005009126/marcxml, which I retrieved on March 26, 2023. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1035.

31. EX1036 hereto is a true copy of catalog records from the University of Washington Libraries for Robert Phillips's book titled "*Pricing and Revenue*

Optimization" (2005) (EX1029), available at, https://orbiscascade-washington.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma99132778800001452&context=L&vid=01ALLIANCE_UW:UW&lang=en&search_scope=UW_EVERYTHING&adaptor=Local%20Search%20Engine&tab=UW_default&query=any,contains,Pricing%20and%20Revenue%20Optimization and https://orbiscascade-washington.primo.exlibrisgroup.com/discovery/sourceRecord?vid=01ALLIANCE_UW:UW&docId=alma99132778800001452&recordOwner=01ALLIANCE_NETWORKwhich I retrieved on March 27, 2023. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1036.

32. EX1038 hereto is a true and correct copy of United States Patent No. 11,334,598, which I retrieved on March 30, 2023, from the United States Patent & Trademark Office's Patent Public Search Basic (PPUBS Basic) website (https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/11334598). An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1038 but no other alterations have been made.

33. EX1039 hereto is a true and correct copy of Plaintiff SurgeTech LLC's and Defendant Uber Technologies, Inc.'s Joint Claim Construction Chart (Dkt. 63, Mar. 24, 2023), in *SurgeTech, LLC v. Uber Technologies, Inc. d/b/a Uber*, C.A. No. 1:22-cv-00882-GBW. I retrieved this exhibit on April 2, 2023, from

https://www.docketalarm.com/cases/Delaware_District_Court/1--22-cv-00882/SurgeTech_LLC_v._Uber_Technologies_Inc/63/. An exhibit label on the first page and page numbers on all pages have been added to the bottom of EX1039 but no other alterations have been made.

34. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both. I make this declaration of my own personal knowledge, and all statements are true. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

35. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 7th day of April, 2023, at Washington, D.C.

Sayem Osman