

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TABLEAU SOFTWARE, LLC

Petitioners,

v.

iCHARTS LLC,

Patent Owner

Case No. IPR2024-01387

U.S. Patent No. 8,271,892

**DECLARATION OF SEYMOUR DUNCKER IN SUPPORT OF PATENT
OWNER'S RESPONSE**

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I, Seymour Duncker, hereby declare and state the following:

1. I am over the age of 18 years, I am a citizen of the United States, and I have personal knowledge of the facts recited herein and could testify competently thereto.

2. I am currently the CEO of Mindscale AI, a company I founded in 2024. I am a member of iCharts LLC, and I founded and worked as the CEO of iCharts, Inc., from 2010 to 2018.

3. I am a co-inventor on U.S. Patent No. 8,271,892 (“the ’892 Patent”). EX1001.

4. I understand that this declaration will be submitted in support of iCharts LLC’s Patent Owner Response to the Petition for *Inter Partes* Review of the ’892 Patent. This declaration is a true and accurate reflection of my personal experience with the conception and reduction to practice of the ’892 Patent.

I. BACKGROUND AND ROAD TO PLACING THE TECHNOLOGY ONLINE

5. While jogging along the beach in December 2006, an idea I had been mulling over for some time finally solidified. I wanted to create software that would enable users, no matter their computer skills, to distribute visual data easily as embeddable, interactive images. What’s more, I wanted to ensure that this product did not have to rely on a server for updates but could be a self-contained product that

functioned on the user's own browser. Thus, the concept for iCharts was born, and I promptly got to work.

6. I determined that Flash would be the best route to design the iCharts architecture and so reached out to Tyron Montgomery, a Flash expert, in February 2007. Attached as EX2173, EX2174, EX2175 are true and correct copies of the initial email correspondence between the two of us. We met in Munich, Germany, on February 8, 2007.

7. I followed up with Mr. Montgomery a week later on February 15, 2007, and provided him with the first draft of a PowerPoint presentation describing the iCharts technology and use case scenarios. Attached as EX2005 is a true and correct copy of the correspondence and presentation. The presentation encompassed certain designs and functionalities that would appear as limitations in the '892 Patent's independent claims 1 and 10 (which I discuss in more detail in the charts below).

8. Mr. Montgomery reviewed the presentation and provided feedback, specifically focusing on the customization of charts and suggesting that the presentation more thoroughly reflect this key iCharts feature. Attached as EX2178 is a true and correct copy of this correspondence.

9. In the same correspondence thread, I responded with a new mission statement for iCharts in that it would provide "the best, easiest and fastest way to share, update and comment facts and numbers using charts on the net." *Id.* I also

outlined the three “critical main components” that would need to be developed and programmed for the iCharts product: the “iDATA/iWIZ” component would connect to data, aid in selecting the right data visualization, and allow users to create and customize their charts; the “iCharts” component that would display and render the visualization on any website, and would run on Flash; and the iBoards and portal component, that would consist of a collection of iCharts. *Id.*

10. By March 29, 2007, Mr. Montgomery and I had conceived of what would become iCharts and the '892 Patent (EX2179).

11. To reduce our invention to practice, we hired an India-based group named Compassites, which had venture capital connections to Silicon Valley, to develop the necessary source code with the underlying architecture that Mr. Montgomery and I had envisioned.

12. From April 2007 through September 5, 2008, Mr. Montgomery and I worked closely with Compassites to develop each of the features of iCharts (e.g., the technology’s ability to embed the chart through a simple code snippet (EX2180); the iPortal, iData, and iWiz components (EX2182); drag-and-drop, mouse-over, zoom, and hover features (EX2184, EX2185, EX2187, EX2189)) and various iterations of the iCharts product (e.g., the initial “dashboard demo” (EX2190, EX2191, EX2192, EX2193); a confidential demo with a working prototype for our pilot customer

(EX2194); and the first online iCharts application (EX2195, EX2196), to arrive at a fully functioning product by September 2008.

13. We exchanged hundreds of emails during this time period. Compassites spent thousands of man hours on the development of the iCharts product, and Mr. Montgomery and I received and responded to updates from Compassites, with specifications and prototypes going back and forth as we worked out each of the features. We were especially busy in late June 2008 through September 2008 to gear up for our product launch at a TechCrunch50 conference, which occurred in San Francisco. In July 22, 2008, I was notified that iCharts had been selected as a semifinalist for the TechCrunch50 conference. This was exciting news because, if selected as a finalist—which we eventually were—the TechCrunch event would shed a great deal of positive attention on iCharts.

II. EVIDENCE OF CONCEPTION

14. All in all, the iCharts team conceived of and reduced to practice the invention that eventually became the '892 Patent prior to the filing of the '892 Patent's utility application on September 5, 2008. Each and every claim was conceived and reduced to practice prior to this application date. Support for each of the claims of the '892 Patent can be found in materials predating the filing of the provisional application as shown in the charts below.

15. Furthermore, while we conceived of the invention in early 2007, we have relied on documents up through June 4, 2008, for the purposes of conception of independent claims 1 and 10. I understand that evidence of conception must be documented and corroborated beyond just the word of the inventor. I also understand the date of conception upon which we rely predates the priority date that Tableau has relied upon for the QlikView Manuals it alleges as prior art, which is July 8, 2008.

A. Independent claim 1

1. [1P]: “A computer system comprising”

Conception Explanation and Supporting Documents

Documents discussing the technology that would become the '892 Patent describe the technology as a “Web 2.0 Service” where a user can create and share “web-based” charts.

- It is a Web 2.0 Service that allows users easily to translate Excel-based (or Google spreadsheets based) input data into charts that can be tied into any Web-Page or HTML-based eMails via an HTML-Snippet.

(EX2002, dated January 10, 2007)

share etc.). In addition quality of graph is not web-based, i.e. what sort of looks ok on a local PC doesn't necessarily look great in a web-based setting. The service should provide a way to easily generate high-quality, professional looking web-based charts that can easily be updated.

(EX2002, dated January 10, 2007)

What it is

- It is a **Web** 2.0 Service that allows users easily to convert Excel-based/Google spreadsheets based input data into charts that can be tied into any **Web-Page** or **Blog** via an HTML-Snippet
- The user should be able to group multiple charts into one context – **Dashboards** – and be able to set this up as a dedicated **web**-page or send those via an **HTML-based eMail**

(EX2003, metadated January 30, 2007)

Advantage offered/value generated

- For anyone to generate a **web**-based chart requires multiple steps from turning the given data into a chart using e.g. Microsoft Excel, then saving as JPG/GIF etc. then uploading into your **web**-site. Becomes tedious for frequent changes of charts in a static context (show my current financials, market share etc.). In addition quality of graph is not **web**-based, i.e. what sort of looks ok on a local PC doesn't necessarily look great in a **web**-based setting. The service should provide a way to easily generate high-quality, professional looking **web**-based charts that can easily be updated.

(EX2003, metadated January 30, 2007)

Competitive Advantage

- Differentiated product (**web**-based Chart updating service, content-rich chart creation guidance as compared to using Excel) using low-cost production methods

(EX2003, metadated January 30, 2007)

2. [1A]: “a data module configured to store data;”

Documents describe a platform into which a user can upload data, either by email or general upload, and then access that stored data to create a web-based chart.

iData

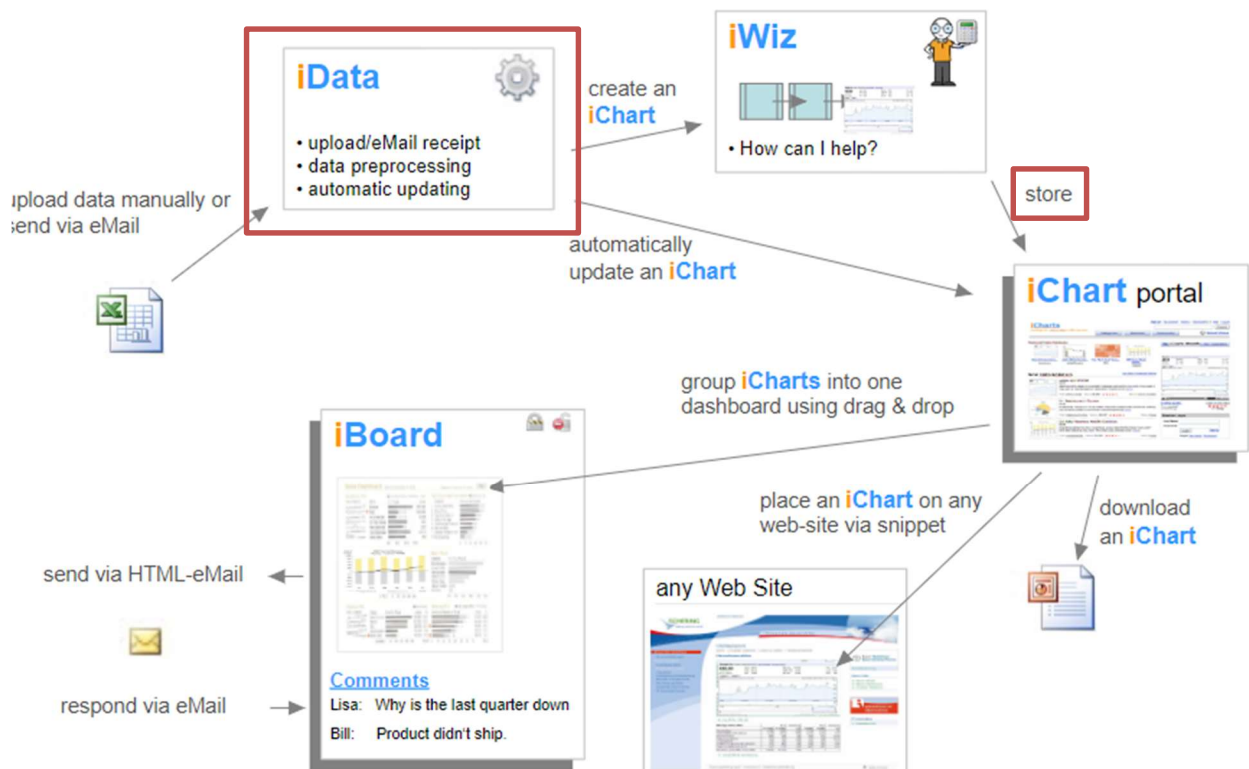


- Receive and extract Excel data (via eMail or upload)
- Link to Google Spreadsheet data
- Preprocess data
 - Check data quality
 - Automatically categorize data
 - Highlight exceptions

iData: The intelligent engine room that does the „dusty“ job for you...

(EX2004, metadated February 15, 2007)

Web Service



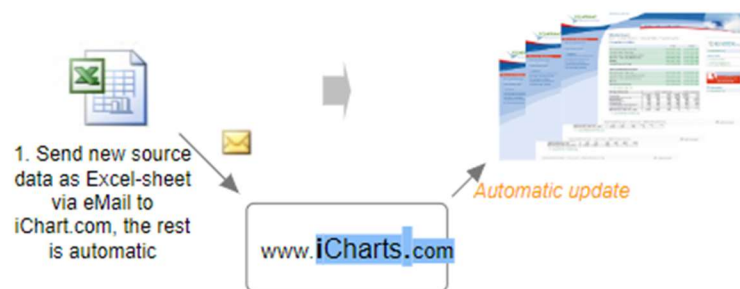
(EX2005 dated February 15, 2007)

The iChart solution:

Setup (10 minutes)



Update (2 minutes)



(EX2006, metadated March 2, 2007)

3. [1B]: “a chart template module configured to store chart templates;”

Documents describe how a user can choose a chart from a “chart gallery” where a variety of chart templates are supported and stored.

- The user should be able to choose the type of chart from a chart gallery. More sophisticated charts might be drillable versions.
- The user should be able to group multiple charts into one context, aka “Dashboard”

(EX2002, dated January 10, 2007)

- From a gallery, users can select finished charts with predefined content from marquee professional data service providers (Bloomberg, etc.)

(EX2002, dated January 10, 2007)

While earlier documents refer to a general “chart gallery,” subsequent descriptions depict a more specific list of charts that the technology can support.

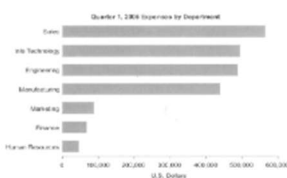
Introducing... **iChart**: Works for different chart types (I)

Metric	Actual	Variance
Revenue	\$913,194	+\$136,806
Profit	\$193,865	-\$73,055
Avg Order Size	\$5,766	-\$297
On Time Delivery	104%	+4%
New Customers	247	-62
Cust Satisfaction	4.73 / 5	+0.23

- **Simple table with signal buttons**
 - 2nd level: Sparklines
 - Swap dimensions Year, Variance, Target

 5 Daily Defects

- **Sparklines graph** (Trend information)
 - Mouse over: Detail data point
 - Scale data resolution



- **Bar chart**
 - Mouse over: Percentage data, additional information
 - Include, exclude additional categories
 - 2-level drill



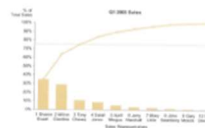
- **Combination chart**
 - Mouse over line: Detail data point
 - Mouse over bar: Percentage data, additional info
 - 2-level drill

(EX2007, metadated February 28, 2007)

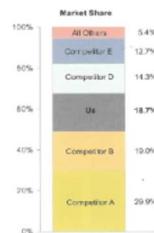
Introducing... iChart: Works for different chart types (II)



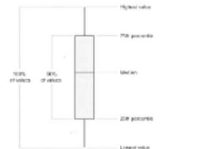
- **Bullet Graph**
 - Mouse over: Percentage, Total, 2nd level drill
 - Sparkline graph



- **Pareto Graph**
 - Mouse over bar: Percentage, Total, 2nd level drill, add. data
 - Mouse over line: data point info
 - Second level drill



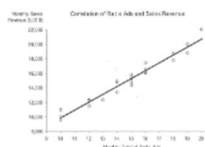
- **Stacked bar graphs**
 - Swap dimensions
 - Mouse over: Show data point info



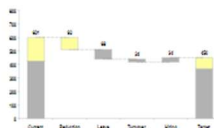
- **Box Plots**
 - Mouse over bar: Distribution graph of data



- **Percentage of total**
 - Mouse over: Show data point info



- **Scatter plots**
 - Scale data resolution
 - Detail data point information



- **Waterfall graph**
 - Mouse over: Show data point info

(EX2007, metadated February 28, 2007)

Introducing... iChart: Works for different chart types (III)



- **Treemaps**
 - Mouse over: show 2nd. level summary as table or graph
 - Include, exclude entities

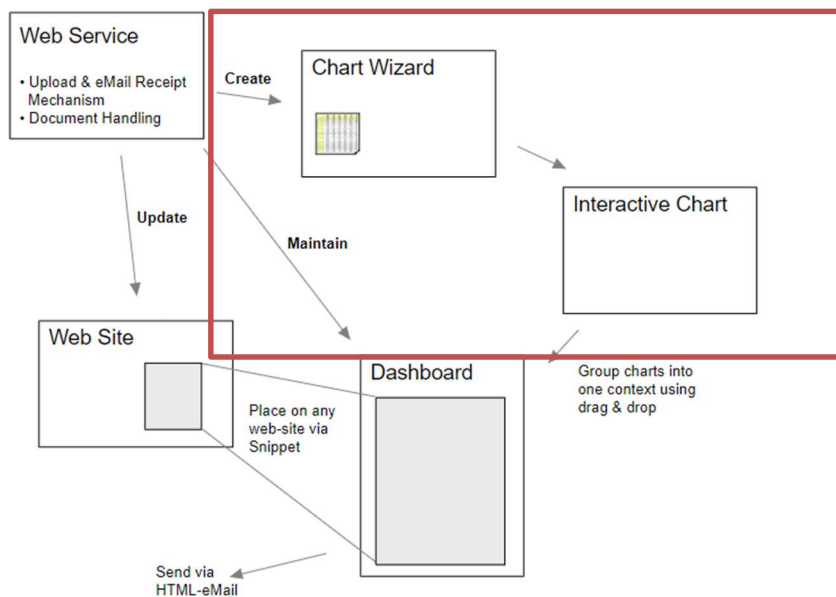


- **Drawing Objects**
 - Mouse over: show 2nd. level summary as table or graph
 - Include, exclude entities

(EX2007, metadated February 28, 2007)

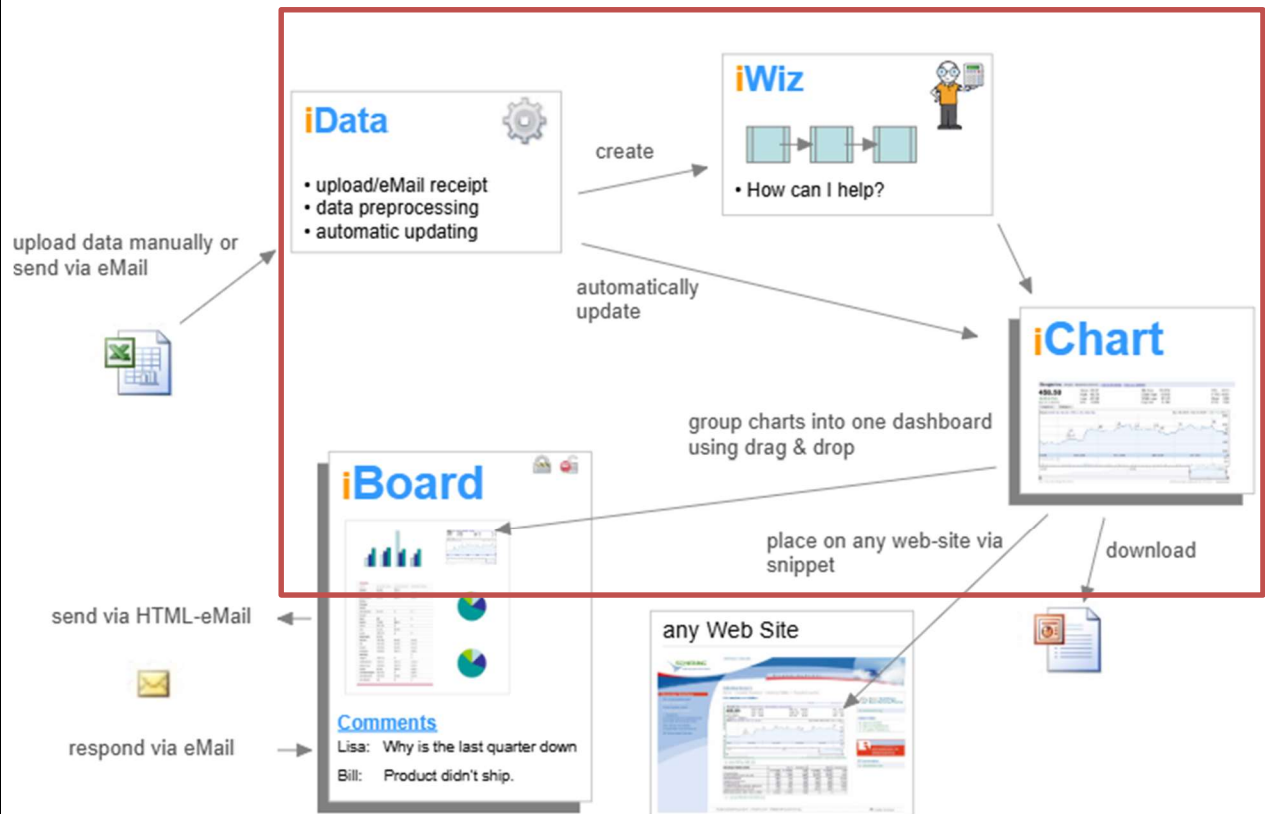
4. [1C], [1D]: “a generation module configured to generate an interactive chart on a generation interface, wherein the generation interface is configured to enable a user to generate the interactive chart from data stored in the data module and a template from the chart template module;”

Documents describe a generation module configured to generate an interactive chart. The generation interface allows a user to create a chart with a “Chart Wizard” and with data—data that either the user uploaded into the platform or that is already stored there, such as a chart template.



(EX2008, metadated February 8, 2007)

Web Service



(EX2005, dated February 15, 2007)

- The user should be able to choose the type of chart from a chart gallery. More sophisticated charts might be drillable versions.
- The user should be able to group multiple charts into one context, aka "Dashboard"
- The self-service based offering would be divided into two types:
 1. Standard Service: Push-type updating of charts – Users need to update their charts manually by uploading current data
 2. Business Service: Pull-type updating of charts – A link to a local database is built from where data is pulled to automatically update the charts

(EX2002, dated January 10, 2007)

- From a gallery, users can select finished charts with predefined content from marquee professional data service providers (Bloomberg, etc.)

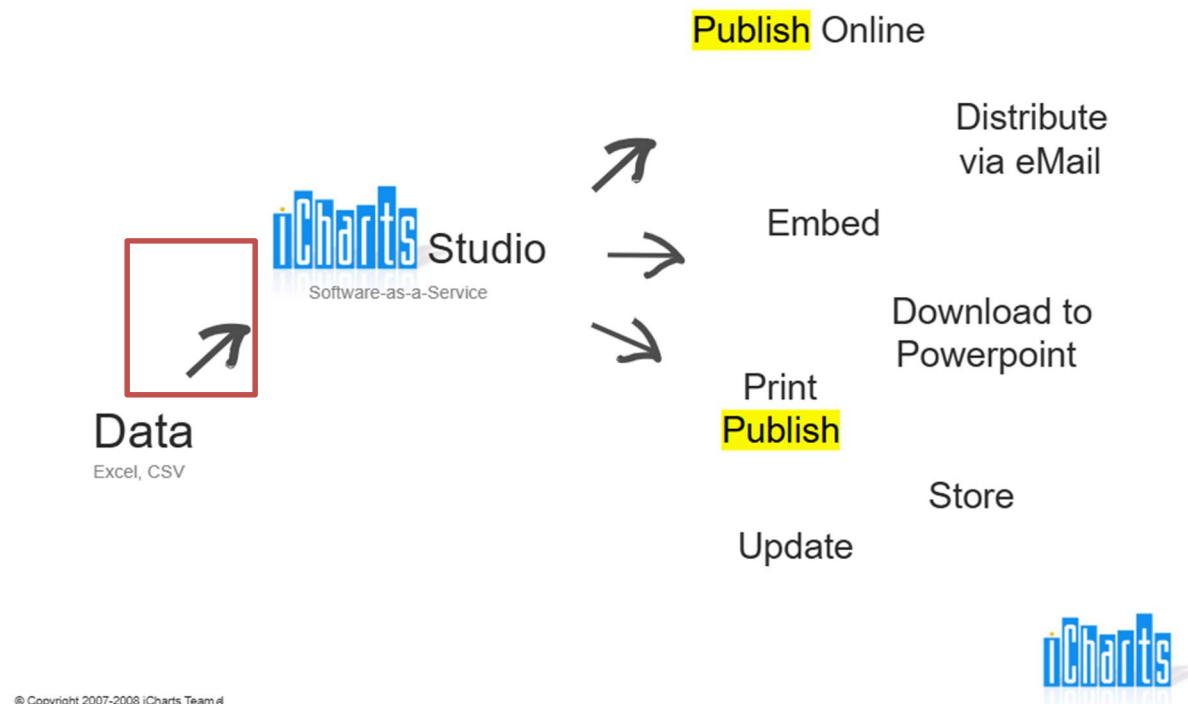
(EX2002, dated January 10, 2007)

5. [1E], [1F]: “a sharing module configured to enable a user to publish or embed the interactive chart as a self-contained and independent electronic document, wherein the self-contained and independent interactive chart, when opened in a program in the absence of the generation interface and the chart template module, enables a user to a) render the chart, b) obtain input from a user and c) rerender the chart using the input

as a parameter thereby enabling the interactive chart to retain interactivity when published or embedded.”

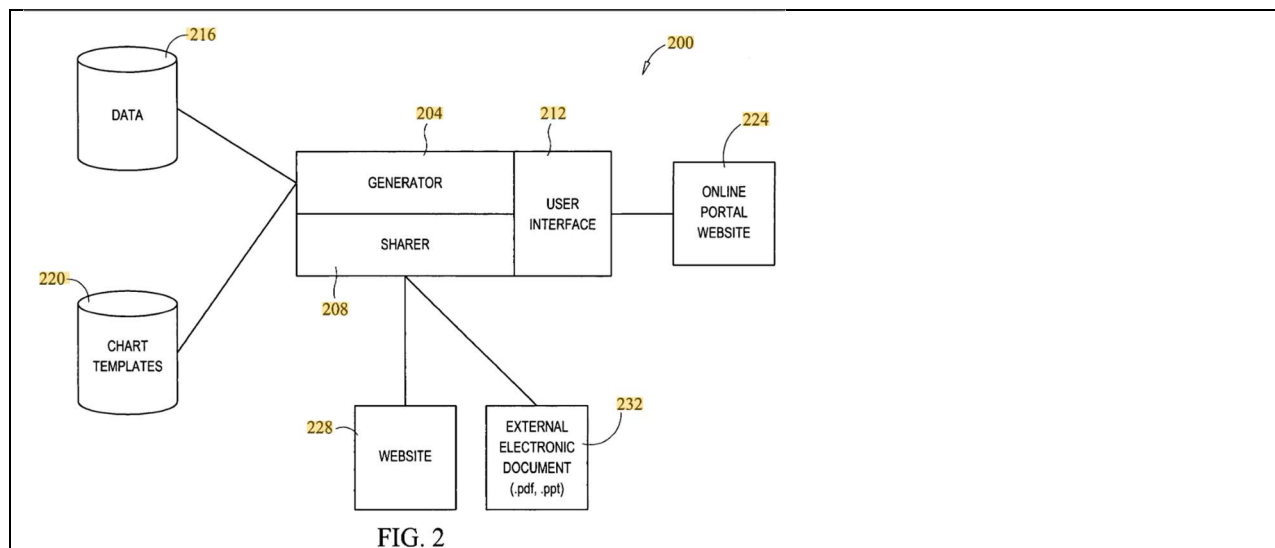
Documents describe a sharing module, which, upon clicking “publish,” generates code and combines it with the user-created chart, enabling the chart’s interactive properties before sharing it as a self-contained, interactive object.

Creating iCharts with iCharts Studio



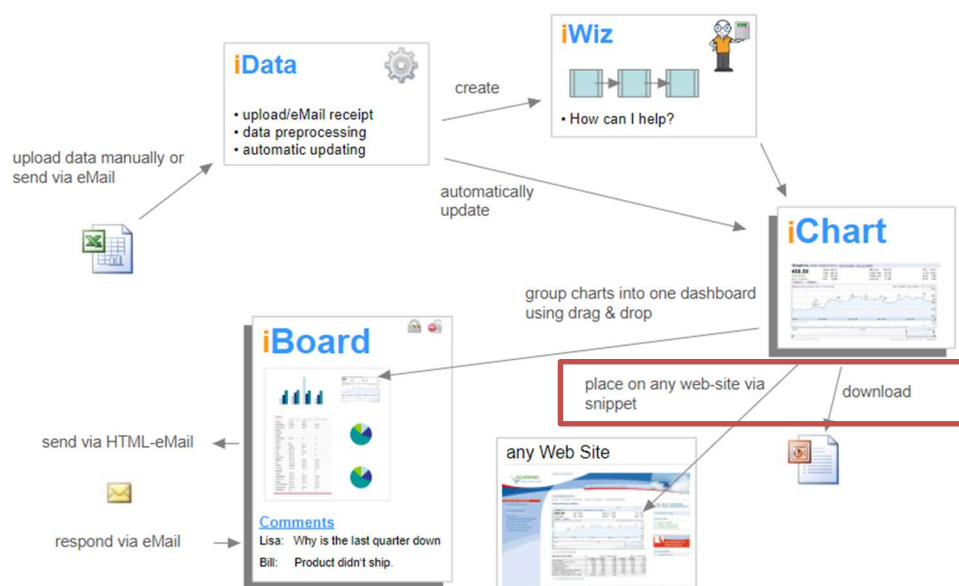
© Copyright 2007-2008 iCharts Team g

(EX2009, metadated January 20, 2008)



(As a visual aid for this limitation, see FIG. 2 from the '892 Patent: **208** is the “sharer,” or, sharing module, connected to the user interface)

Web Service



(EX2004, metadated February 15, 2007)

Benefits

1. You can create iCharts with dynamic content with the click of a mouse
2. An intelligent wizard helps you design iCharts that focus on the message, not on the "whistles & bells"
3. An intelligent data machine preprocesses the data going into your iCharts, making life simpler for you
4. You can easily share iCharts & iBoards via snippets, eMails or user-owned web-pages
5. You can automatically update iCharts located anywhere by simply sending in a spreadsheet with current data
6. You can interact with others by sharing and exchanging comments on your data using iBoards

(EX2011, metadated February 15, 2007; focusing on number 4)

What it is

- It is a Web 2.0 Service that allows users easily to convert Excel-based/Google spreadsheets based input data into charts that can be tied into any Web-Page or Blog via an HTML-Snippet
- The user should be able to group multiple charts into one context – Dashboards – and be able to set this up as a dedicated web-page or send those via an HTML-based eMail

(EX2012, dated February 15, 2007)

User Need

The service is targeting users who have a common desire for wanting to

1. design interactive graphs (charts or tables) and dashboards (group of charts) based on the user's own, proprietary data, for either online (Blogs, Homepages, Intranets, Extranets) or offline (Powerpoint) usage

and/or

2. mesh their own content with 3rd party statistical content from public or private data service providers for informational or contextual purposes

and

3. regularly share and distribute their charts/dashboards with others (either securely or openly), using web technology (i.e. HTML)

(EX2013, dated February 12, 2007; particularly number 3)

Test Chart

Sent: Wed 4/9/2008 7:08:45 AM (UTC-07:00)

From: Seymour Duncker

To: **Vincenz von Braun**

Hallo Vincenz,

hier der HTML - Embed Code, den Du weiterleiten kannst.

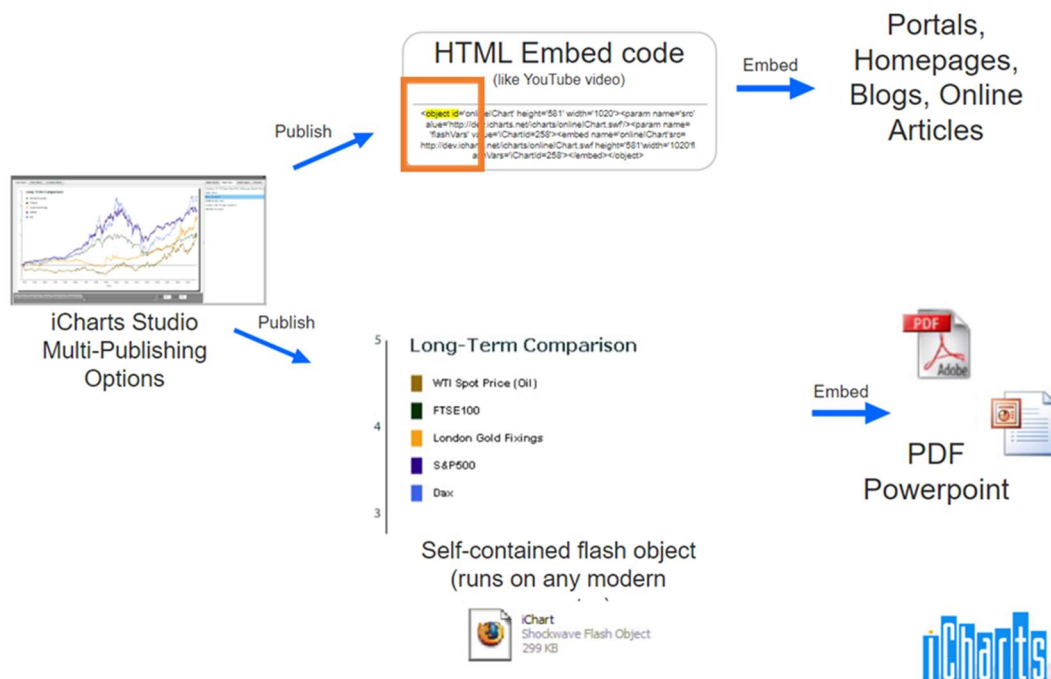
```
<object id="onlineIChart" height="593" width="895">
  <param name="src" value="http://pilot.icharts.net/icharts/onlineIChart.swf"/>
  <param name="flashVars" value="iChartId=148">
  <embed name="onlineIChart"
    src="http://pilot.icharts.net/icharts/onlineIChart.swf"
    height="593"
    width="895"
    flashVars="iChartId=148">
  </embed>
</object>
```

Gruss,
Seymour

(EX2014, dated April 9, 2008; generating an object ID link for embedding a document)



Embedding interactive Charts online and offline is easy



(EX2015, metadated June 4, 2008; “object ID” (highlighted) in embed link, generated by the iCharts studio)

Documents describe the user’s ability to, once a chart is generated, publish or embed that interactive chart into other media, such as webpages/-sites or HTML-based emails.

- It is a Web 2.0 Service that allows users easily to translate Excel-based (or Google spreadsheets based) input data into charts that can be tied into any Web-Page or HTML-based eMails via an HTML-Snippet.

(EX2002, dated January 10, 2007)

- The layman often doesn't know what the best way is to generate a graph from a given set of data. The service could provide a resourceful guide to help people create professional looking charts that are downloadable (with a “Powered by Oceans” Logo”) or that can be used online (by using HTML snippets, with or without ads).

(EX2002, dated January 10, 2007)

Rather than become static, however, once the interactive chart is embedded, it remains interactive.

1. It is an **easy-to-use, free service** that **empowers** the user to create, share and distribute dashboards by himself through the click of a mouse
2. It provide a **vastly superior user experience** in viewing and interacting with charts using latest web technology
3. It provides users with a **rich, expert-like guidance** helping users create superior charts that visualize their communication objectives

(EX2016, metadated February 9, 2007)

The service is targeting users who have a common desire for wanting to

1. design interactive graphs (charts or tables) and dashboards (group of charts) based on the user's own, proprietary data, for either online (Blogs, Homepages, Intranets, Extranets) or offline (Powerpoint) usage

(EX2013, metadated February 12, 2007)

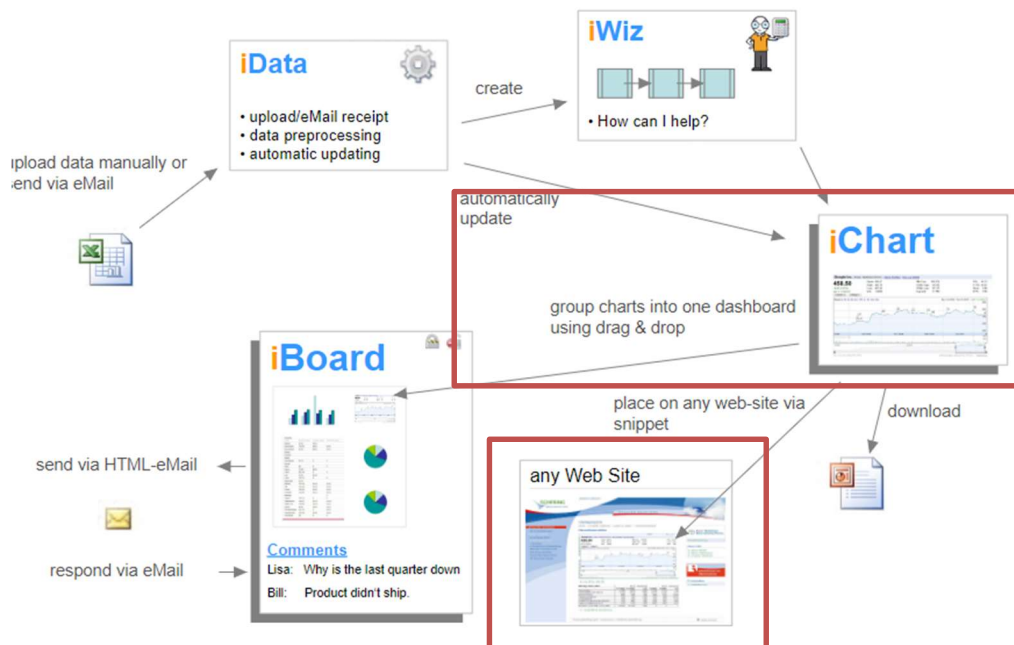
That interactivity allows a user to render the chart . . .

It is believed that the key criteria for making the service appealing and therefore successful are:

- a **highly interactive and dynamic format** for charts giving the user a hitherto unreached level of experience
- an **easy and fast way to update** charts anywhere in the web by simply uploading or sending an email with new data to the service
- a **simple, fast, easy-to-use, intuitive and fun user-interface** leaving out the "whistles and bells"

(EX2013, metadated February 12, 2007)

Web Service



(EX2005, dated February 15, 2007)

Introducing... **iChart**: Graph or table with dynamic content



User can see detail data point information via mouse over effect

Different graph types

User can swap dimensions

User can scale data resolution up or down

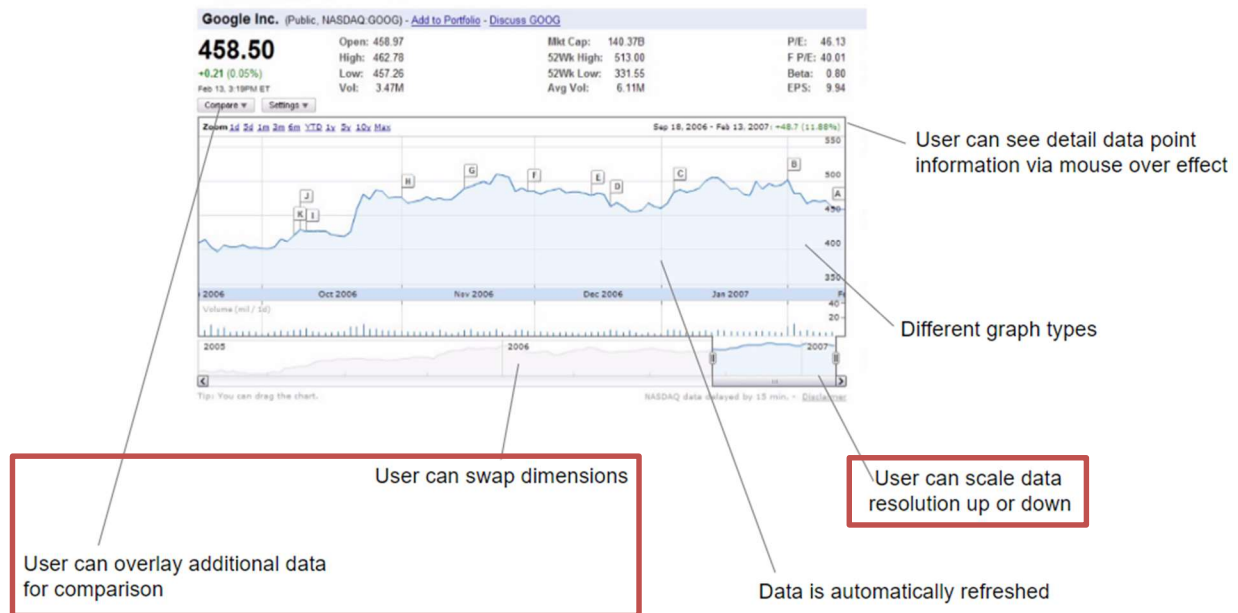
User can overlay additional data for comparison

Data is automatically refreshed

(EX2004, metadated February 15, 2007)

... obtain input from a user ...

Introducing... **iChart**: Graph or table with dynamic content



(EX2004, metadated February 15, 2007)

... and rerender the chart using the input as a parameter.

Introducing... **iChart**: Graph or table with dynamic content



User can see detail data point information via mouse over effect

Different graph types

User can swap dimensions

User can scale data resolution up or down

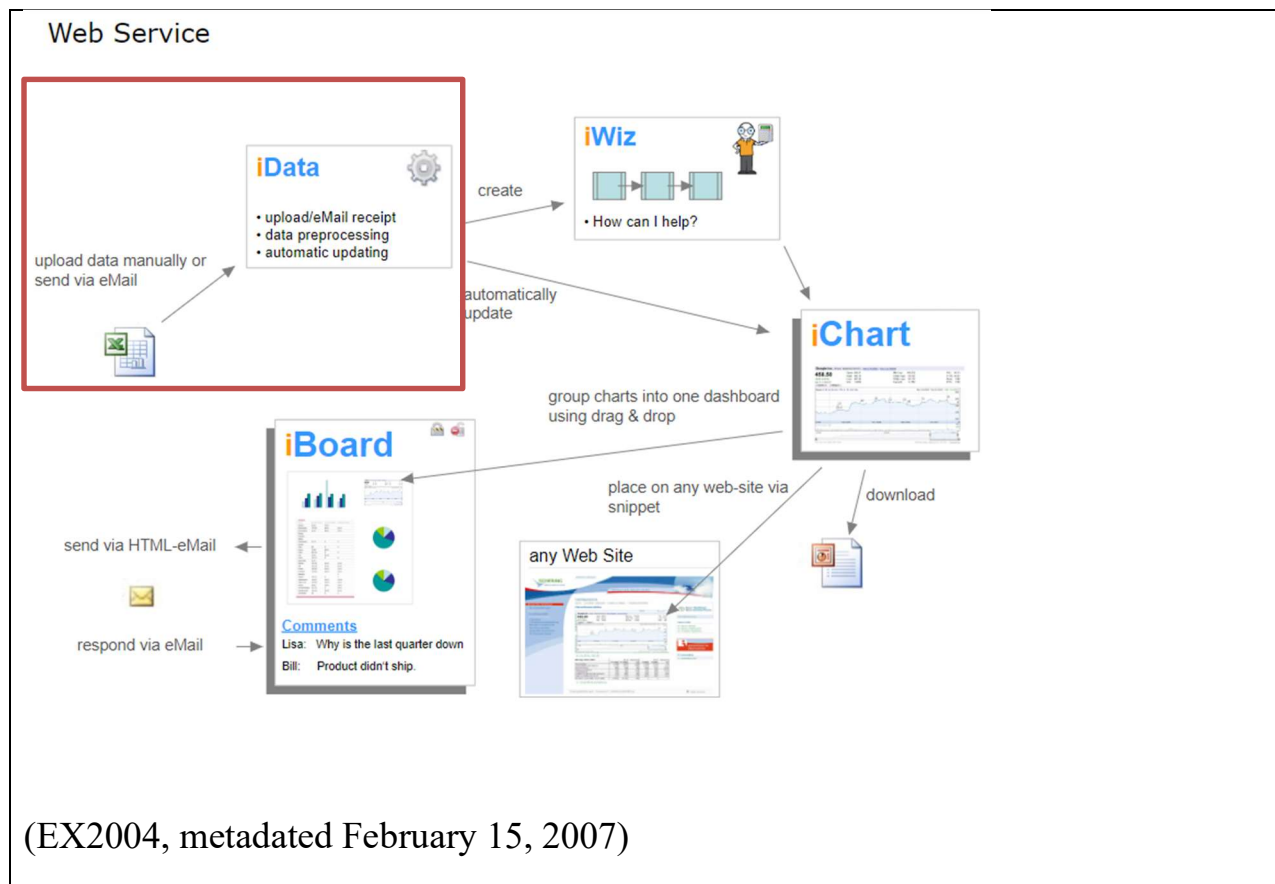
User can overlay additional data for comparison

Data is automatically refreshed

(EX2004, metadated February 15, 2007)

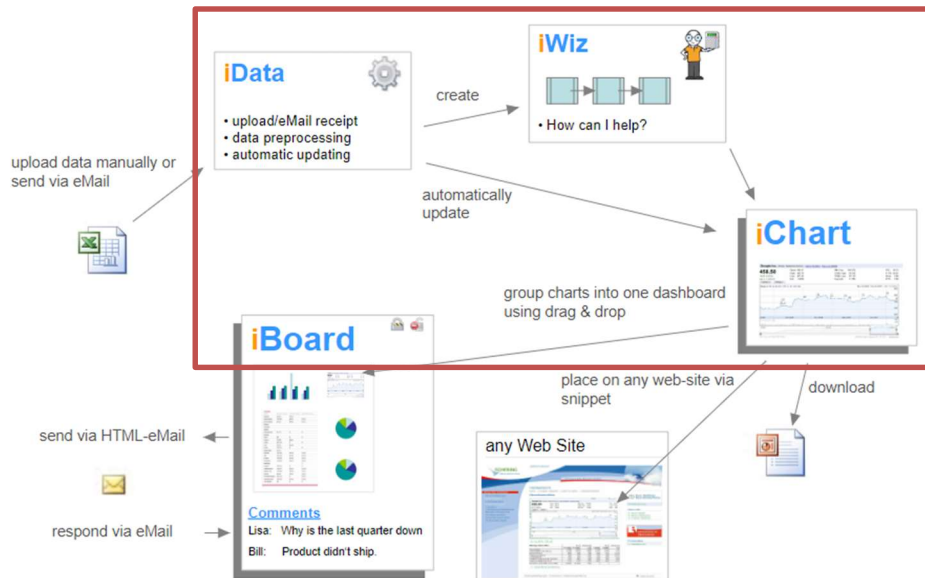
B. Dependent claim 2 – “The system of claim 1 wherein the generation interface is configured to receive data from a user and transmit the data to a data module.”

Documents show a generation interface that is configured to receive data from a user and transmit the data to the data module.



C. Dependent claim 3 – “The system of claim 1 wherein the generation interface comprises a data pane and a chart pane and is configured to receive a user selection of data from the data pane and allow the user to drag and drop the data into the chart pane and wherein the generation module automatically generates the interactive chart from the data stored in the data module when the user interface receives an indication that the user has dropped the data into the chart pane.”

Web Service



(EX2004, metadated February 15, 2007)

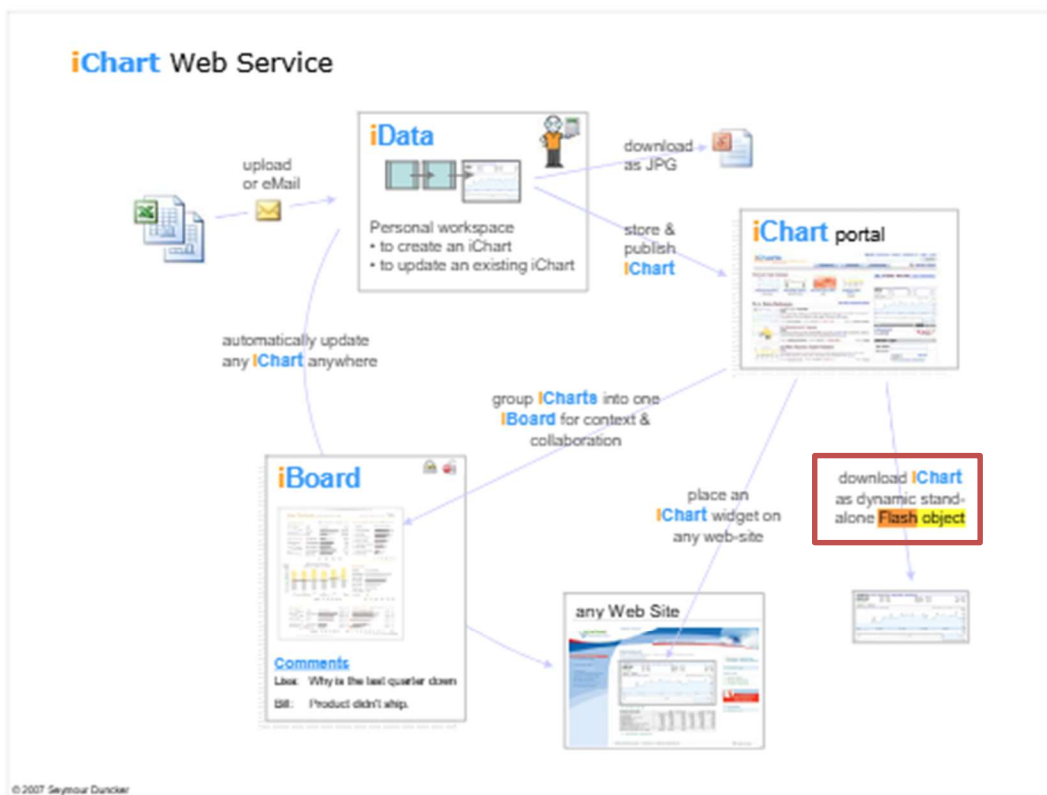
Definitions – iCharts building blocks

- Chart Data**
 The actual **data** set which is to be visualized through a **chart**. The **data** set is contained in a **data source** provided by the **chart owner**. The **data** source is to be structured in a simple standard column form with arbitrary ordering of columns.
- Chart Types**
 The **type** of **chart** to be selected to graphically visualize the **data** set. **Chart types** (Bar, Column, Pie, Scatter etc.) can have sub **types** (Stacked Bar, Parallel Bars). The **chart** owner can build **any kind of chart** from the **data** source. The owner constructs his **chart** by dragging and dropping the **data** columns on to the **chart creation pane**. Each **chart type** provides dedicated **drop zones** (specific to a **chart type**) to support the user in selecting and dropping the appropriate **data** for the selected **chart**.
- Design Elements**
 Each **chart** has a number of **design elements** such as background colour, border lines, axis ticks etc. that the **chart** owner can alter to visually adapt the **chart** to his own preferences. Each **chart type** has a specific set of design elements which have a default setting that follow charting world standard guidelines. The **chart** owner should be able to change design elements easily and intuitively in a minimum of clicks. Design element settings can be grouped into **presets** for 1-click **chart** reformatting.



(EX2017, metadated March 16, 2008)

D. Dependent claim 4 – “The system of claim 1 wherein the interactive chart comprises a flash object.”

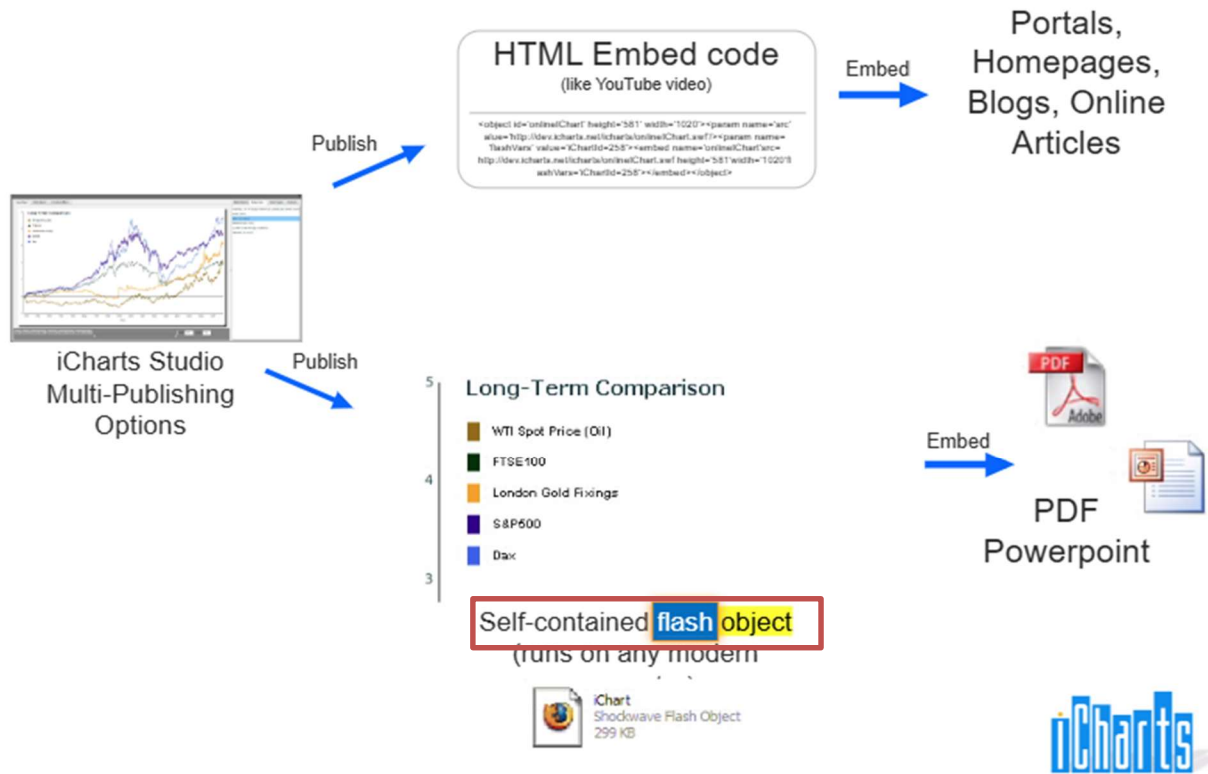


The iCharts service will provide additional value adding features:

- iCharts will be of superior visual quality, feature-rich and interactive (possible features include zoom in/out, mouse-over with additional info, voice-based explanation of the chart, overlay comparisons, download underlying data with charts as PDF, Excel etc.)
- The user can download the chart/table as JPG for use in e.g. Powerpoint
- The user can download the chart/table as a dynamic object for further use, e.g. place as a stand-alone object onto a web-site or a dynamic object that is used offline
- The user can publish his charts and tables in the iCharts portal, a central location for people to access all kinds of statistics
- The user can set up an iBoard collaboration room to collaborate and interact with peers around newly released facts & figures
- An API will be available to utilize the iCharts service to e.g. serve as the analytics module of other on-demand services
- A rich gallery of presets that includes new types of charts (not offered out of the box by MS Excel) and – more importantly – offers predefined structural content (i.e. x and y-Axis already defined) to which the user can match his data

(EX2018, metadated April 16, 2007); and

■ Embedding interactive Charts online and offline is easy



(EX2015, metadated June 4, 2008).

E. Dependent claim 5 – “The system of claim 1 wherein the interactive chart has interactive features.”

Documents describe an interactive chart with interactive features.

It is believed that the key criteria for making the service appealing and therefore successful are:

- a **highly interactive and dynamic format** for charts giving the user a hitherto unreached level of experience
- an **easy and fast way to update** charts anywhere in the web by simply uploading or sending an email with new data to the service
- a **simple, fast, easy-to-use, intuitive and fun user-interface** leaving out the "whistles and bells"

(EX2013, metadated February 12, 2007)

Introducing... **iChart**: Graph or table with dynamic content



User can see detail data point information via mouse over effect

Different graph types

User can swap dimensions

User can scale data resolution up or down

User can overlay additional data for comparison

Data is automatically refreshed

(EX2004, metadated February 15, 2007)

F. Dependent claim 6 – “The system of claim 5 wherein the interactive features comprise a copy-to-my-account feature.”

Documents show a copy-to-my-account feature.

Req.9.0 Upload and contribute

Any user should be enabled to apply for in contributing to the charts collection.	
Req. No.	Requirements
Req.9.1	Users should be able to upload data and charts after creating them in the studio. Once they are accepted they can then start uploading charts, and earn royalties when their charts are downloaded.
Req.9.2	User should be able to copy chart into personal account, make changes to the chart and publish as a different version to the portal while maintaining link to the original version of the chart.

(EX2019, dated March 11, 2008)

Proliferation of charts methods

- Copy into own account

(EX2020, metadated March 11, 2008)

G. Dependent claim 7 – “The system of claim 5 wherein the interactive features are selected from the group consisting of a zoom feature, a data mouse-over pop-up window, a data hide/share feature, an audio and/or video feature, an animation feature, a drill-down feature, a data gliding feature and combinations thereof.”

Interactive features include . . .

. . . zoom and data mouse-over pop-up window, a data hide . . . feature . . .

The iCharts service will provide additional value adding features:

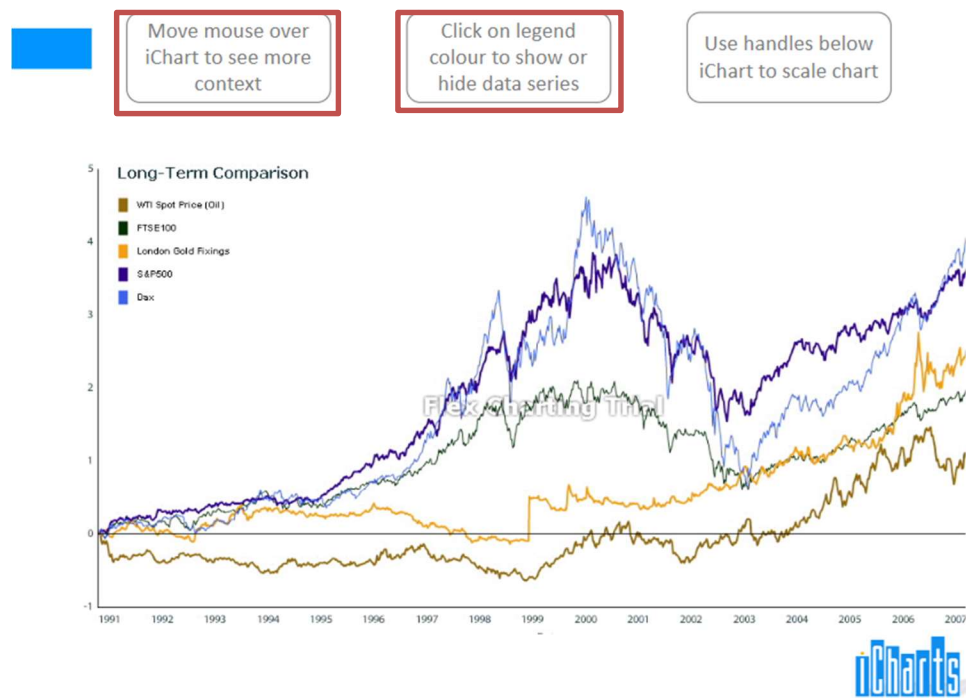
- iCharts will be of superior visual quality, feature-rich and interactive (possible features include **zoom** in/out, **mouse-over** with additional info, voice-based explanation of the chart, overlay comparisons, download underlying data with charts as PDF, Excel etc.)

(EX2018, metadated April 16, 2007)

▪ **2 forms of interactivity available to end-users:**

Next to the slider, end-users should have the possibility to show/hide individual data points as well as whole data series

(EX2021, dated January 8, 2008)

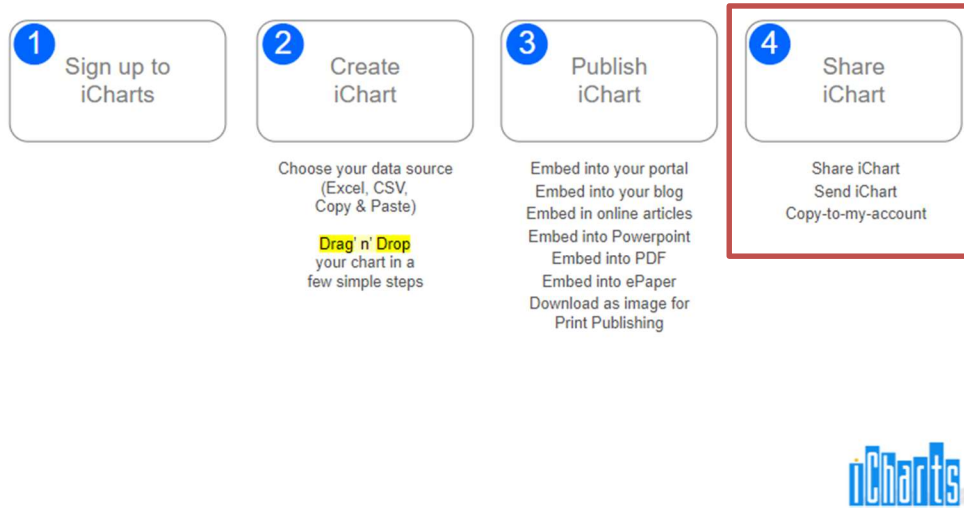


(EX2015, metadated June 4, 2008)

. . . share . . .

4. You can easily share iCharts via snippets, eMails or user-owned web-pages

(EX2022, dated March 29, 2007)



(EX2015, metadated June 4, 2008)

... audio ...



(EX2023, metadated April 29, 2007)

and/or video ... animation ...

Hi Seymour,

[quote]Do you see components/packages that require traditional technologies and where we are also convinced that offshoring could work from a programming model?[/quote]

That question also came to my mind when surfing their [website](#). Flash will have a non-Flash back-end, but I don't believe it to be a good idea to separate these two areas because they are tightly interwoven and they are either about rather trivial data storage or about [dynamic Flash-movie](#) generating, which again is not really their field (most likely will be Flex).

They uploading and file conversion probably is the part that can be outsourced most easily. The main part in this case is the file conversion though. So whoever does that should be a crack in this field (you mentioned another team with the appropriate competency).

All other outsourceable parts I can think of are Flash and/or graphics related, e.g. the various skins and visualization moduls, which

(EX2024, dated March 20, 2007)

. . . drill-down . . .

What it is

- It is a Web 2.0 Service that allows users easily to convert Excel-based/Google spreadsheets based input data into charts that can be tied into any **Web-Page** or **Blog** via an HTML-Snippet
- The user should be able to group multiple charts into one context – **Dashboards** – and be able to set this up **as a dedicated web-page** or send those via an **HTML-based eMail**
- The charts – by choice - are updated either automatically by pulling new input data or by manually uploading new input data
- **Chart** types could range from simple to sophisticated, i.e. [drillable](#) versions. The user should be guided intuitively in setting up his **chart**, advising him on the best way of showing his data graphically
- Finally, the user should be able to select predefined professional **chart** content from professional Data Service Providers (Bloomberg, etc.) to enrich their own proprietary

(EX2012, dated February 15, 2007)

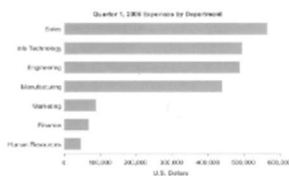
Introducing... iChart: Works for different chart types (I)

Metric	Actual	Variance
Revenue	\$913,394	+\$136,806
Profit	\$193,865	-\$73,055
Avg Order Size	\$5,766	-\$297
On Time Delivery	104%	+4%
New Customers	247	-62
Cust Satisfaction	4.73 / 5	+0.23

- **Simple table with signal buttons**
 - 2nd level: Sparklines
 - Swap dimensions Year, Variance, Target



- **Sparklines graph** (Trend information)
 - Mouse over: Detail data point
 - Scale data resolution



- **Bar chart**
 - Mouse over: Percentage data, additional information
 - Include, exclude additional categories
 - 2-level drill



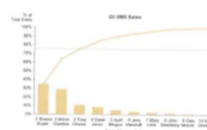
- **Combination chart**
 - Mouse over line: Detail data point
 - Mouse over bar: Percentage data, additional info
 - 2-level drill

(EX2007, metadated February 28, 2007)

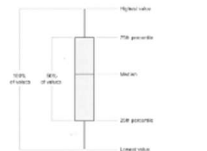
Introducing... iChart: Works for different chart types (II)



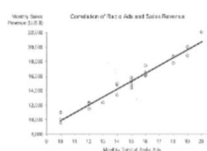
- **Bullet Graph**
 - Mouse over: Percentage, Total, 2nd level drill
 - Sparkline graph



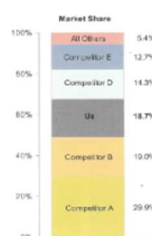
- **Pareto Graph**
 - Mouse over bar: Percentage, Total, 2nd level drill, add. data
 - Mouse over line: data point info
 - Second level drill



- **Box Plots**
 - Mouse over bar: Distribution graph of data



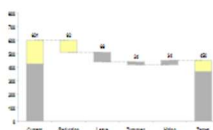
- **Scatter plots**
 - Scale data resolution
 - Detail data point information



- **Stacked bar graphs**
 - Swap dimensions
 - Mouse over: Show data point info



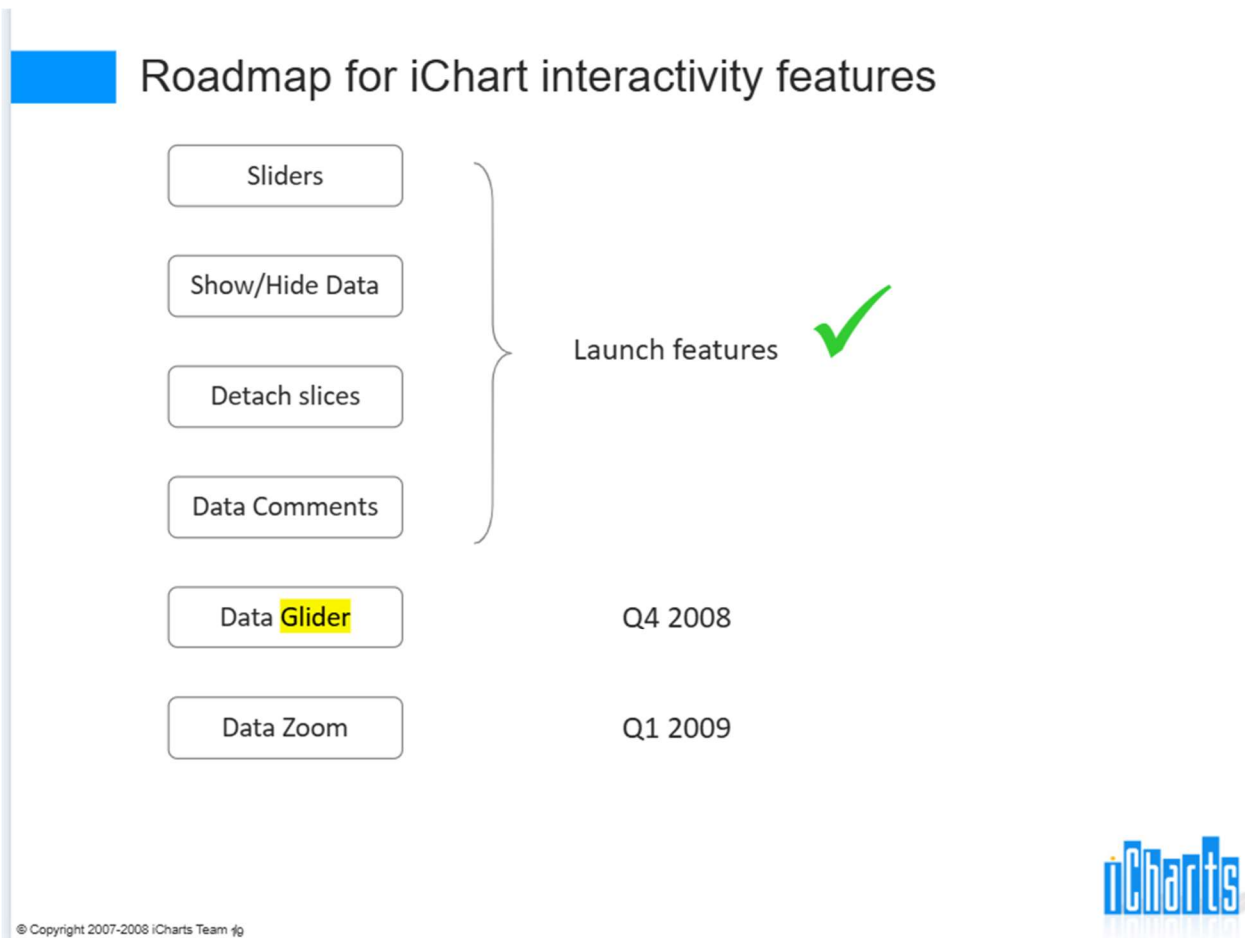
- **Percentage of total**
 - Mouse over: Show data point info



- **Waterfall graph**
 - Mouse over: Show data point info

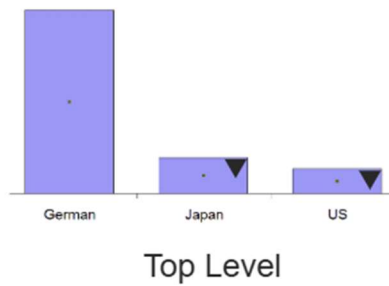
(EX2007, metadated February 28, 2007)

... *data gliding* ...



(EX2025, metadated May 25, 2008; the “data glider” feature was conceived of prior to its Q4 2008 implementation and was actually implemented sooner as well)

■ Roadmap: Data Glider for easy comparing of data

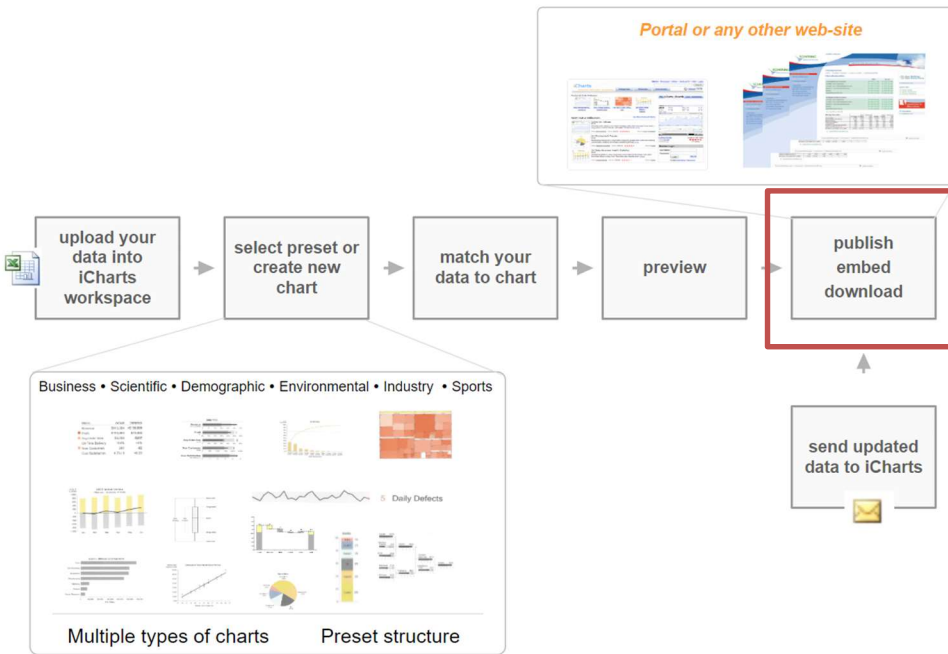


(EX2025, metadated May 25, 2008)

H. Dependent claim 8 – “The system of claim 1 wherein the sharing module is configured to publish or embed the interactive chart with interactive features.”

Documents describe a sharing module configured to publish/embed interactive charts.

iCharts: easy to create, easy to embed, easy to update



(EX2023, metadated April 29, 2007)

I. Dependent claim 9 – “The system of claim 8 wherein the interactive features comprise customizable interactive features.”

Documents describe interactive charts with customizable features.

Chart Creation Capabilities

- Chart Preconfigurations/Presets would show best practices charts for the type of data provided
- A question-based wizard helps you select the right chart based on what's important for you to communicate (No AI, just a couple of important questions)
- Excel-Pivot type functionality for creating a chart via drag & drop from underlying data fields (for cases where presets and wizard don't work + for power users)

- Colour Scheme Presets (customizable) to select one uniform look & feel for all charts

Chart Interactivity Options

- Detail data point or even nested chart that appears with mouseover
- In a 2-dimensional chart with 3 variables, the 3rd variable becomes like a filter that can be dynamically set
- Dynamically scaling data resolution
- For power-users, Pivot-like functionality where additional fields can be included and dimensions can be swapped (?)

(EX2026, metadated March 15, 2007)

J. Independent claim 10

1. [10P]: “A computer implemented method comprising:”

Documents discussing the technology that would become the '892 Patent describe the technology as a “Web 2.0 Service” where a user can create and share “web-based” charts.

- It is a Web 2.0 Service that allows users easily to translate Excel-based (or Google spreadsheets based) input data into charts that can be tied into any Web-Page or HTML-based eMails via an HTML-Snippet.

(EX2002, dated January 10, 2007)

share etc.). In addition quality of graph is not web-based, i.e. what sort of looks ok on a local PC doesn't necessarily look great in a web-based setting. The service should provide a way to easily generate high-quality, professional looking **web-based charts** that can easily be updated.

(EX2002, dated January 10, 2007)

What it is

- It is a **Web** 2.0 Service that allows users easily to convert Excel-based/Google spreadsheets based input data into charts that can be tied into any **Web-Page** or Blog via an HTML-Snippet
- The user should be able to group multiple charts into one context – Dashboards – and be able to set this up as a dedicated **web-page** or send those via an HTML-based eMail

(EX2003, metadated January 30, 2007)

Advantage offered/value generated

- For anyone to generate a **web**-based chart requires multiple steps from turning the given data into a chart using e.g. Microsoft Excel, then saving as JPG/GIF etc. then uploading into your **web-site**. Becomes tedious for frequent changes of charts in a static context (show my current financials, market share etc.). In addition quality of graph is not **web**-based, i.e. what sort of looks ok on a local PC doesn't necessarily look great in a **web**-based setting. The service should provide a way to easily generate high-quality, professional looking **web**-based charts that can easily be updated.

(EX2003, metadated January 30, 2007)

Competitive Advantage

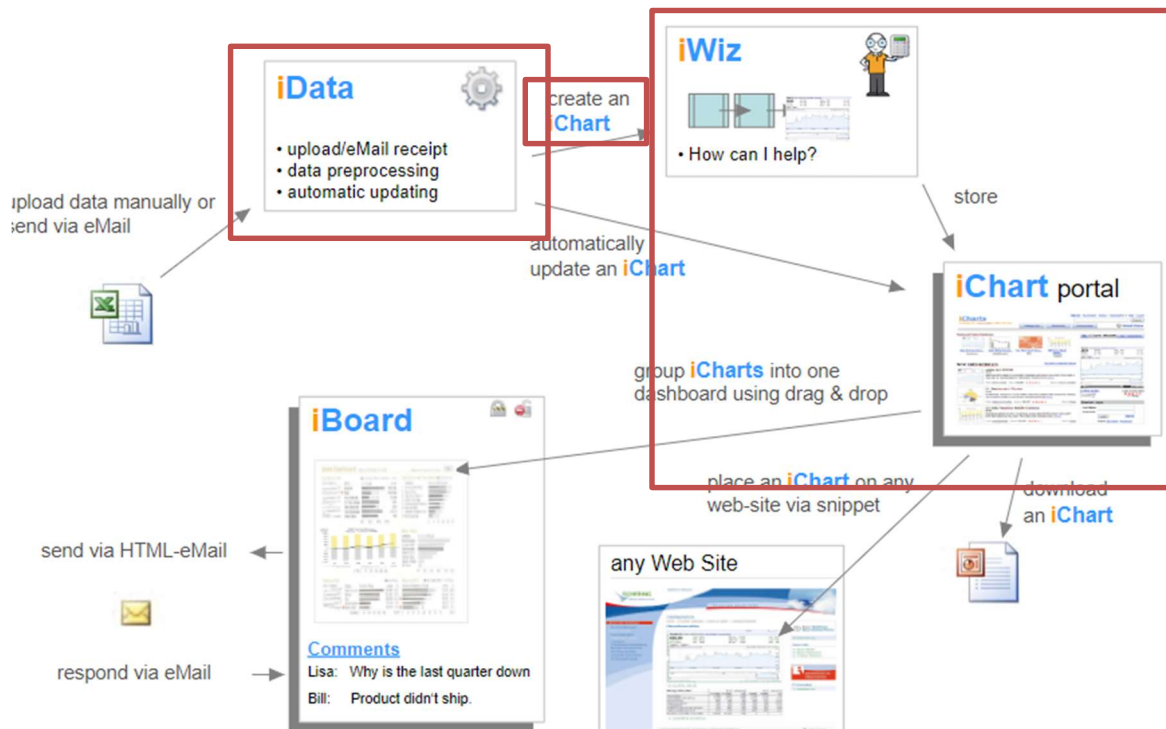
- Differentiated product (web-based Chart updating service, content-rich chart creation guidance as compared to using Excel) using low-cost production methods

(EX2003, metadated January 30, 2007)

2. [10A], [10B]: “providing a generation interface having a data pane and a chart pane; receiving a user selection of data in the data pane;”

Documents describe a generation interface split into a data pane (“iData”) and a chart pane (“iWiz”). A user’s selection of data takes place in the data pane, which interacts with the chart pane for subsequent chart creation.

Web Service

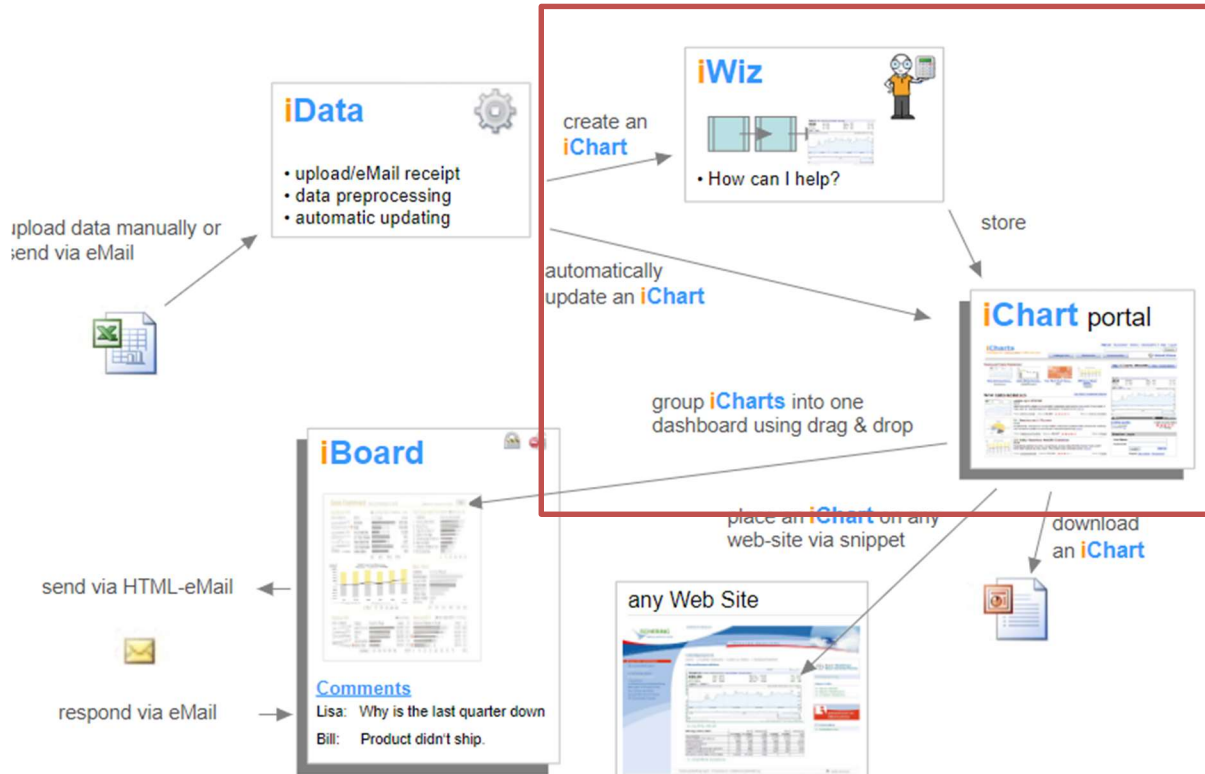


(EX2005, dated February 15, 2007)

3. [10C]: “receiving a user selection of a chart template in the chart pane, wherein the chart template is stored in a chart template module located on a remote server;”

A user's selection of a chart template takes place in the chart pane, and the chosen template is then stored on a remote server (“iChart Portal”).

Web Service



(EX2005, dated February 15, 2007)

4. [10D]: “allowing the user to drag and drop the selected data into the chart pane on the generation interface;”

Documents describe the user’s ability to drag and drop selected data from “underlying data fields” in the data pane into the chart pane on the generation interface.

- Excel-Pivot type functionality for creating a chart via drag & drop from underlying data fields (for cases where presets and wizard don’t work + for power users)

(EX2026, metadated March 15, 2007)

- Presets shouldn’t be text but little icons representing the various presets
- Chart Type should be close to the Chart workpane. Could become over time a larger gallery with tags & favourites etc.
- Drag & Drop from Columns box looks good, should also be possible directly from preview data source

(EX2027, dated October 21, 2007)

- Drag n’ Drop Chart Creation

(EX2009, metadated January 20, 2008)

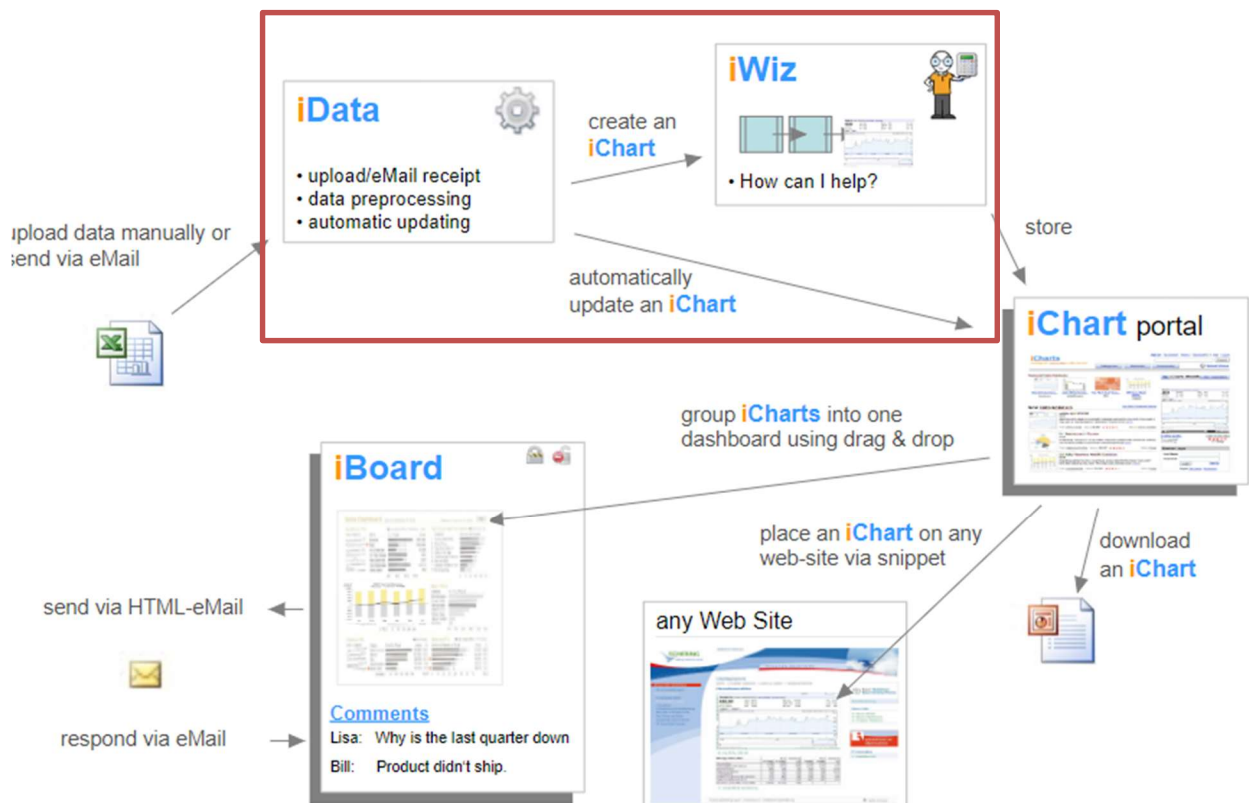
- **Chart Types**
The type of chart to be selected to graphically visualize the data set. **Chart types** (Bar, Column, Pie, Scatter etc.) can have sub types (Stacked Bar, Parallel Bars).
The chart owner can build any kind of chart from the data source. The owner constructs his chart by dragging and dropping the data columns on to the **chart creation pane**. Each chart type provides dedicated **drop zones** (specific to a chart type) to support the user in selecting and dropping the appropriate data for the selected chart.

(EX2017, metadated March 16, 2008)

5. [10E]:“automatically generating an interactive chart using data dropped into the chart pane and the chart template from the chart template module selected by the user; and”

The drag-and-drop feature allows a user to automatically “create an iChart,” an interactive chart, by dropping the data into the selected chart template.

Web Service



(EX2005, dated February 15, 2007)

6. [10F], [10G]: “publishing or embedding the interactive chart as a self-contained and independent electronic document wherein the self-contained and independent interactive chart, when opened in a program in the absence of the generation interface and the chart template module, enables a user to a) render the chart, b) obtain input from a user and c) rerender the chart using the input as a parameter thereby enabling the interactive chart to retain interactive features when published or embedded.”

Documents describe the user’s ability to, once a chart is generated, publish or embed that interactive chart into other media, such as webpages/-sites or HTML-based emails.

- It is a Web 2.0 Service that allows users easily to translate Excel-based (or Google spreadsheets based) input data into charts that can be tied into any Web-Page or HTML-based eMails via an HTML-Snippet.

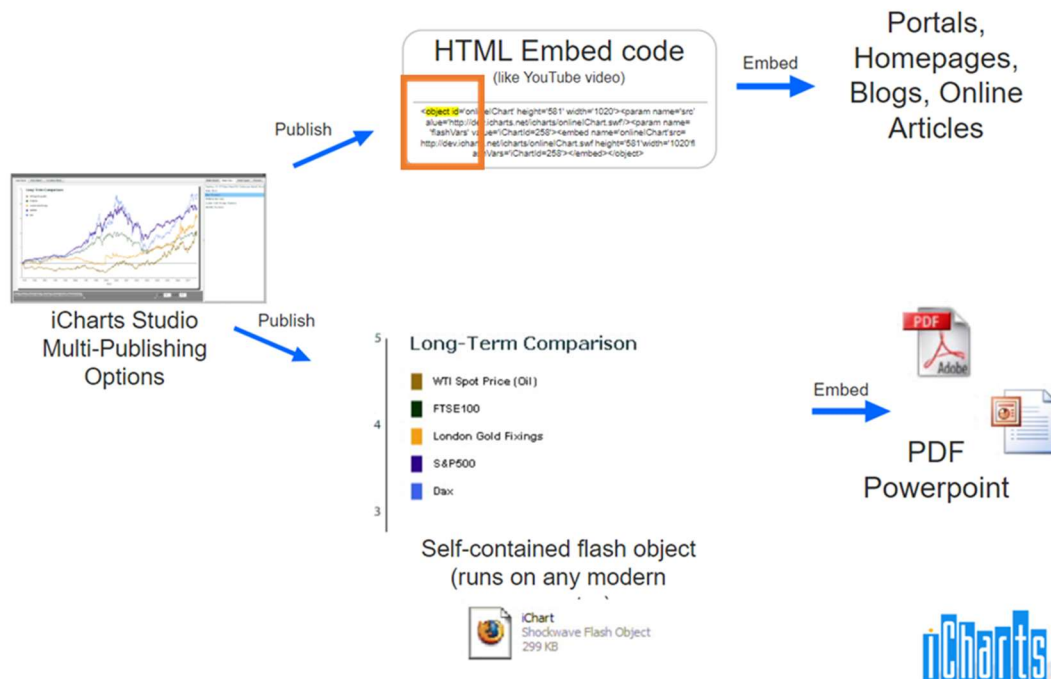
(EX2002, dated January 10, 2007)

- The layman often doesn’t know what the best way is to generate a graph from a given set of data. The service could provide a resourceful guide to help people create professional looking charts that are downloadable (with a “Powered by Oceans” Logo”) or that can be used online (by using HTML snippets, with or without ads).

(EX2002, dated January 10, 2007)



Embedding interactive Charts online and offline is easy



(EX2015, “object ID” (highlighted) in embed link, generated by the iCharts studio, metadated June 4, 2008)

Rather than remain static, however, once the interactive chart is embedded, it remains interactive.

1. It is an **easy-to-use, free service** that **empowers** the user to create, share and distribute dashboards by himself through the click of a mouse
2. It provide a **vastly superior user experience** in viewing and interacting with charts using latest web technology
3. It provides users with a **rich, expert-like guidance** helping users create superior charts that visualize their communication objectives

(EX2016, metadated February 9, 2007)

The service is targeting users who have a common desire for wanting to

1. design interactive graphs (charts or tables) and dashboards (group of charts) based on the user's own, proprietary data, for either online (Blogs, Homepages, Intranets, Extranets) or offline (Powerpoint) usage

(EX2013, metadated February 12, 2007)

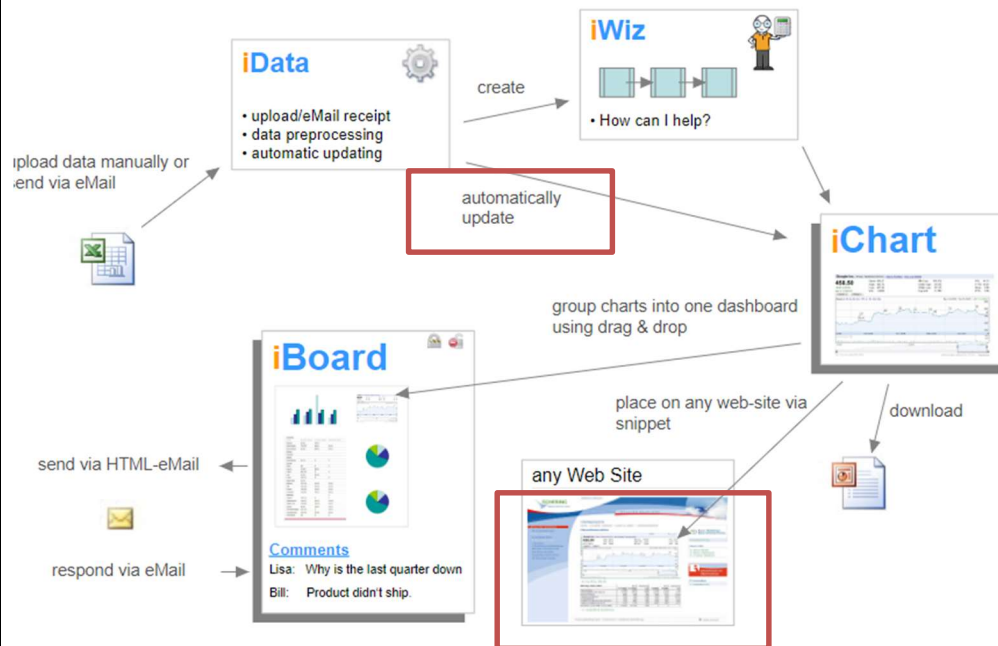
That interactivity allows a user to render the chart . . .

It is believed that the key criteria for making the service appealing and therefore successful are:

- a **highly interactive and dynamic format** for charts giving the user a hitherto unreached level of experience
- an **easy and fast way to update** charts anywhere in the web by simply uploading or sending an email with new data to the service
- a **simple, fast, easy-to-use, intuitive and fun user-interface** leaving out the "whistles and bells"

(EX2013, metadated February 12, 2007)

Web Service



(EX2005, dated February 15, 2007)

Introducing... **iChart**: Graph or table with dynamic content



User can see detail data point information via mouse over effect

Different graph types

User can swap dimensions

User can scale data resolution up or down

User can overlay additional data for comparison

Data is automatically refreshed

(EX2004, metadated February 15, 2007)

... obtain input from a user ...

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User can see detail data point information via mouse over effect

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User can overlay additional data for comparison

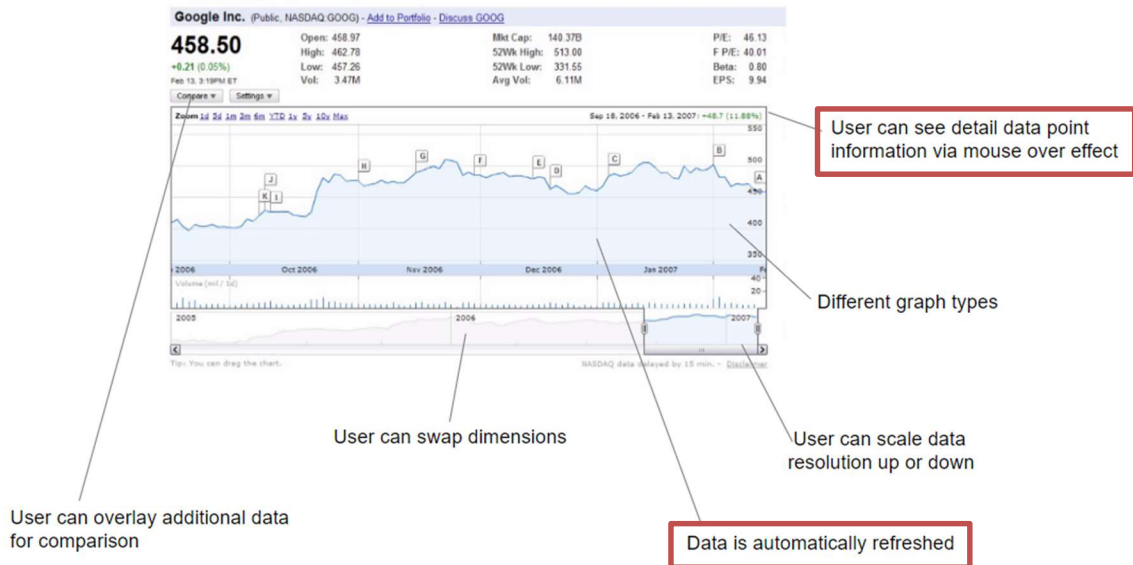
User can scale data resolution up or down

Data is automatically refreshed

(EX2004, metadated February 15, 2007)

... and rerender the chart using the input as a parameter.

Introducing... **iChart**: Graph or table with dynamic content



(EX2004, metadated February 15, 2007)

K. Dependent claim 11 – “The method of claim 10, further comprising allowing a user to customize interactive features of the interactive chart.”

Documents describe a user’s ability to customize the interactive features on the interactive chart.

Chart Creation Capabilities

- Chart Preconfigurations/Presets would show best practices charts for the type of data provided
- A question-based wizard helps you select the right chart based on what's important for you to communicate (No AI, just a couple of important questions)
- Excel-Pivot type functionality for creating a chart via drag & drop from underlying data fields (for cases where presets and wizard don't work + for power users)

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Chart Interactivity Options

- Detail data point or even nested chart that appears with mouseover
- In a 2-dimensional chart with 3 variables, the 3rd variable becomes like a filter that can be dynamically set
- Dynamically scaling data resolution
- For power-users, Pivot-like functionality where additional fields can be included and dimensions can be swapped (?)

(EX2026, metadated March 15, 2007)

L. Dependent claim 12 – “The method of claim 11 wherein the interactive features are selected from the group consisting of a zoom feature, a data mouse-over pop-up window, a data hide/share feature, an audio and/or video feature, an animation feature, a drill-down feature, a data gliding feature and combinations thereof.”

Interactive features include . . .

. . . zoom and data mouse-over pop-up window, a data hide . . . feature . . .

The iCharts service will provide additional value adding features:

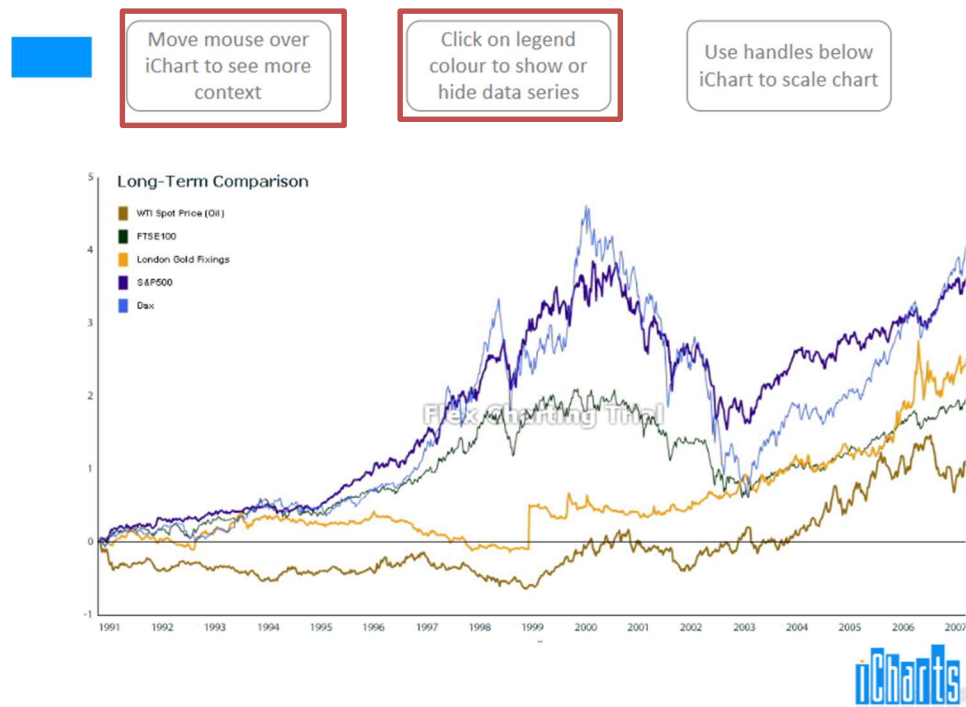
- ① iCharts will be of superior visual quality, feature-rich and interactive (possible features include zoom in/out, mouse-over with additional info, voice-based explanation of the chart, overlay comparisons, download underlying data with charts as PDF, Excel etc.)

(EX2018, metadated April 16, 2007)

▪ 2 forms of interactivity available to end-users:

Next to the slider, end-users should have the possibility to show/hide individual data points as well as whole data series

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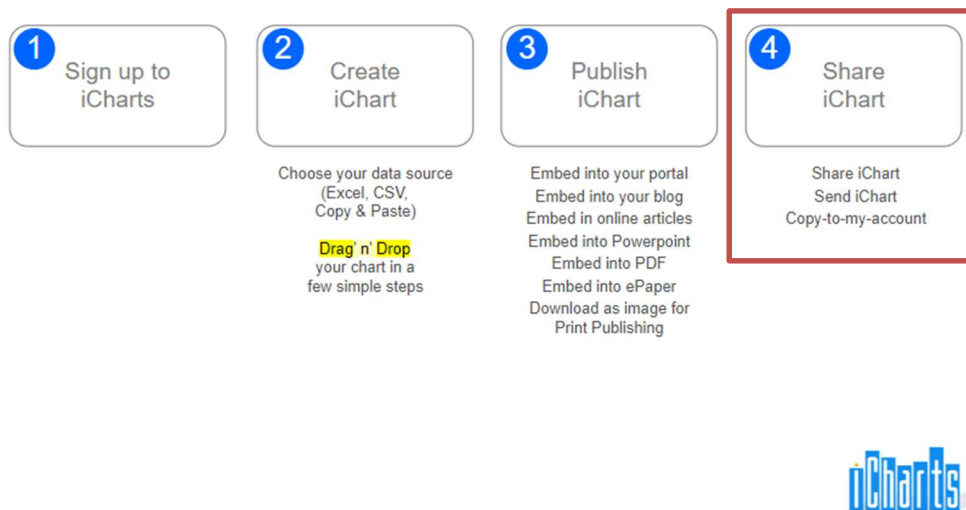


(EX2015, metadated June 4, 2008)

... share ...

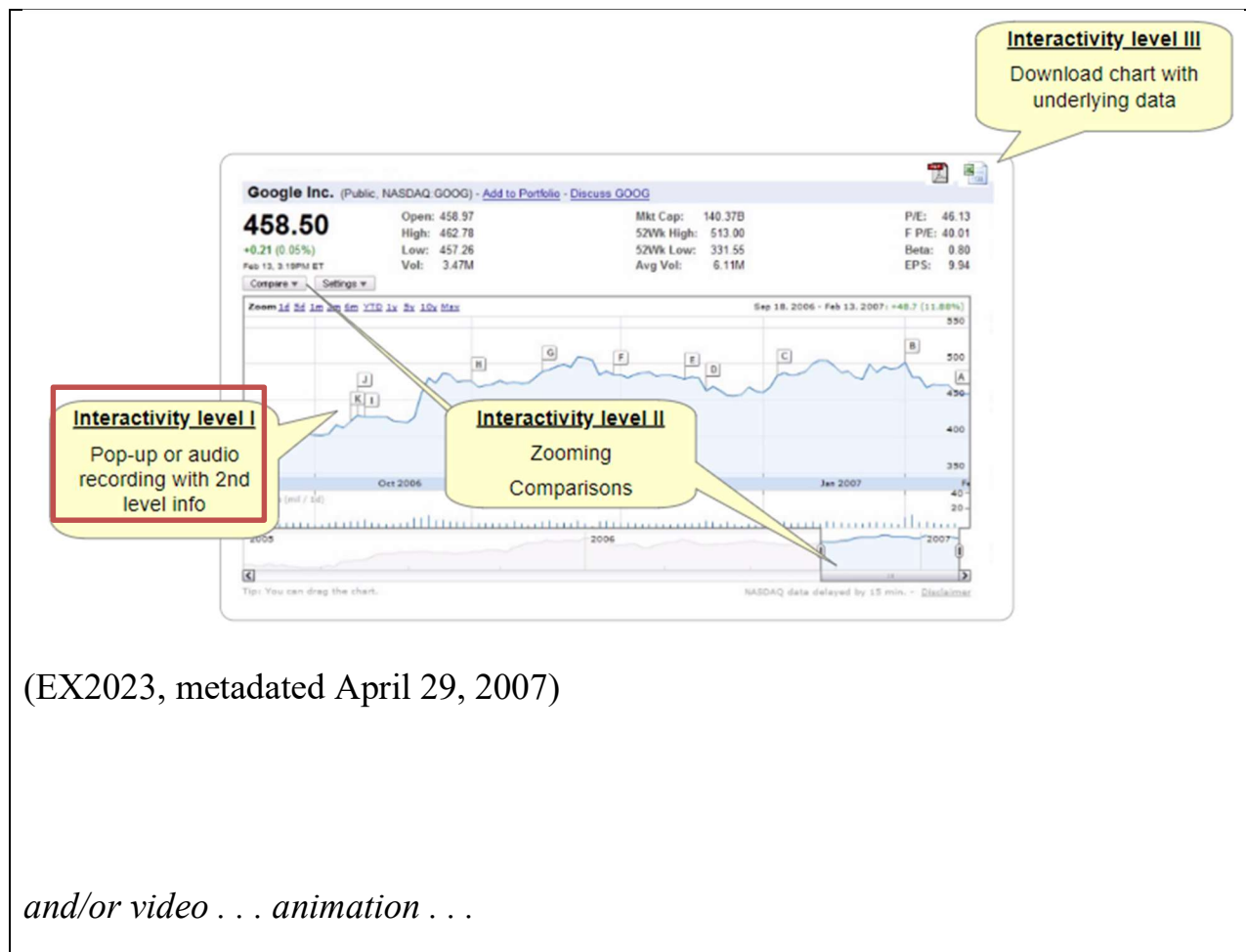
4. You can easily share iCharts via snippets, eMails or user-owned web-pages

(EX2022-ICHARTS0007834, dated March 29, 2007)



(EX2015, metadated June 4, 2008)

... audio ...



Hi Seymour,

[quote]Do you see components/packages that require traditional technologies and where we are also convinced that offshoring could work from a programming model?[/quote]

That question also came to my mind when surfing their [website](#). Flash will have a non-Flash back-end, but I don't believe it to be a good idea to separate these two areas because they are tightly interwoven and they are either about rather trivial data storage or about **dynamic Flash-movie** generating, which again is not really their field (most likely will be Flex).

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All other outsourceable parts I can think of are Flash and/or graphics related, e.g. the various skins and visualization moduls, which

(EX2024, dated March 20, 2007)

. . . drill-down . . .

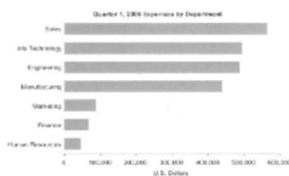
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Avg Order Size	\$5,766	-\$297
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Cust Satisfaction	4.73 / 5	+0.23

- **Simple table with signal buttons**
 - 2nd level: Sparklines
 - Swap dimensions Year, Variance, Target



- **Sparklines graph** (Trend information)
 - Mouse over: Detail data point
 - Scale data resolution



- **Bar chart**
 - Mouse over: Percentage data, additional information
 - Include, exclude additional categories
 - 2-level drill



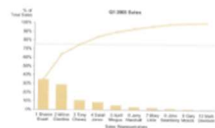
- **Combination chart**
 - Mouse over line: Detail data point
 - Mouse over bar: Percentage data, additional info
 - 2-level drill

(EX2007, metadated February 28, 2007)

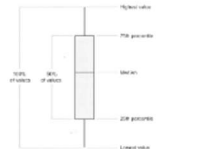
Introducing... iChart: Works for different chart types (II)



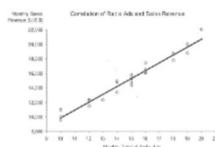
- **Bullet Graph**
 - Mouse over: Percentage, Total, 2nd level drill
 - Sparkline graph



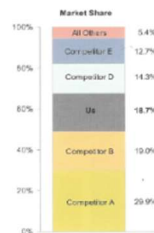
- **Pareto Graph**
 - Mouse over bar: Percentage, Total, 2nd level drill, add. data
 - Mouse over line: data point info
 - Second level drill



- **Box Plots**
 - Mouse over bar: Distribution graph of data



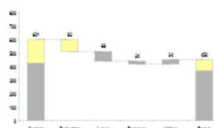
- **Scatter plots**
 - Scale data resolution
 - Detail data point information



- **Stacked bar graphs**
 - Swap dimensions
 - Mouse over: Show data point info



- **Percentage of total**
 - Mouse over: Show data point info

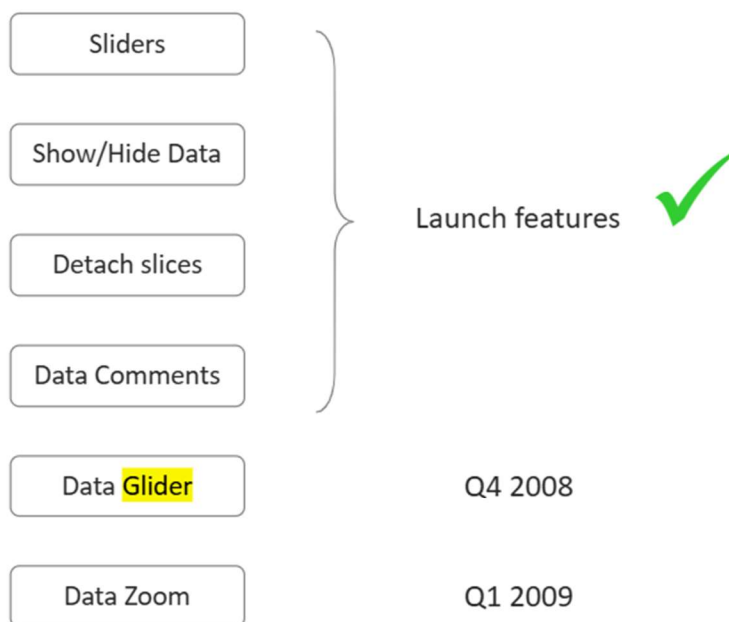


- **Waterfall graph**
 - Mouse over: Show data point info

(EX2007, metadated February 28, 2007)

... data gliding ...

Roadmap for iChart interactivity features

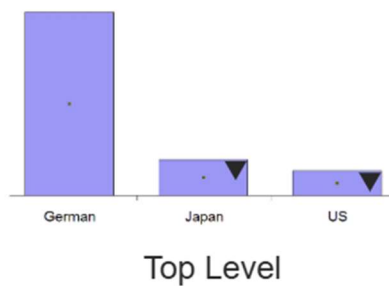


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(EX2025, metadated May 25, 2008; the “data glider” feature was conceived of prior to its Q4 2008 implementation and was actually implemented sooner as well)

■ Roadmap: Data Glider for easy comparing of data



(EX2025, metadated May 25, 2008)

M. Dependent claim 13 – “The method of claim 10, further comprising receiving user entry of data.”

Documents describe a user’s ability to enter data.

[thedunckers.jot.com] Ticket 60: Requirements: Springer (29012008)

Sent: Sun 2/17/2008 8:42:57 AM (UTC-08:00)

From: Bug Reporter

To: seymour.duncker@icharts.net

ID# 60: Requirements: Springer (29012008)

Priority: asap **Reporter:** Seymour

Severity: feature_request **Assigned To:** Tyron

Product: iCharts Studio **Status:** assigned

Resolution: open

Description:

These requirements originate from discussions with Springer Autohaus meeting on Jan 29, 2008

1. Manual Entry of Data (Springer)

Often charts are made of very few data points only. Having to set up separate Excel sheets is a step too much, if one wants to be able to set up a chart very fast. Hence a direct, simple data entry capability should exist for manually entering data into an online table should be possible.

(EX2028, dated February 17, 2008)

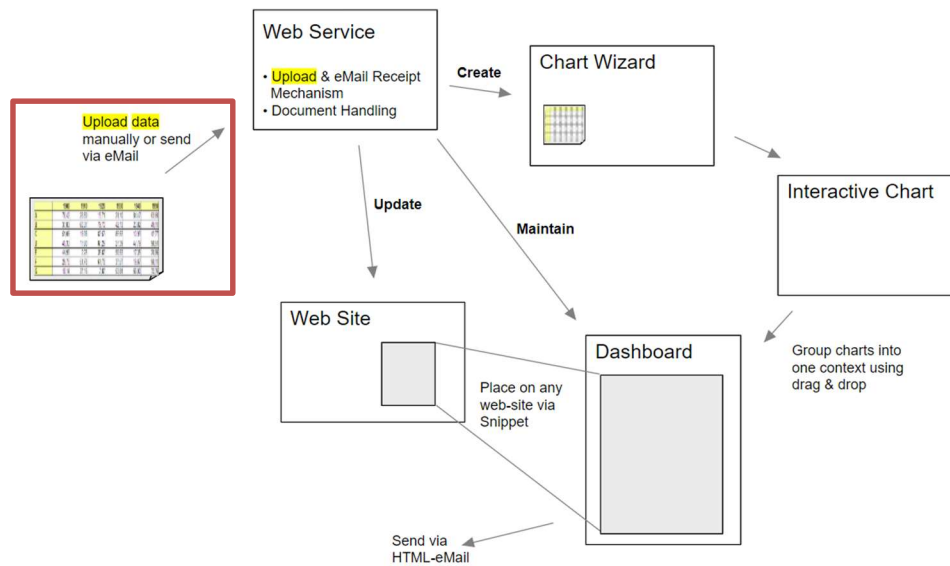
N. Dependent claim 14 – “The method of claim 10, further comprising uploading data from a client computer associated with the user.”

Documents describe the client’s ability to upload data from the client computer.

Proof-Of-Concept Scenario

Optimize

- Configurability
- Capability to share
- Rich, interactive charts



(EX2008, metadated February 8, 2007)

O. Dependent claim 15 – “The method of claim 10, wherein the user selection is a mouse click of data listed in the data pane.”

A user’s mouse click selects data to create a chart.

Benefits

1. You can create iCharts with dynamic content with the click of a mouse

(EX2011, metadated February 15, 2007)

Hello Tyron/ Seymour,

Please find attached the status report for iCharts Phase1 development, for the week ending 19th Oct 2007.

We have put together a rough wire frame for iCharts work bench using flex. Please find attached the same.

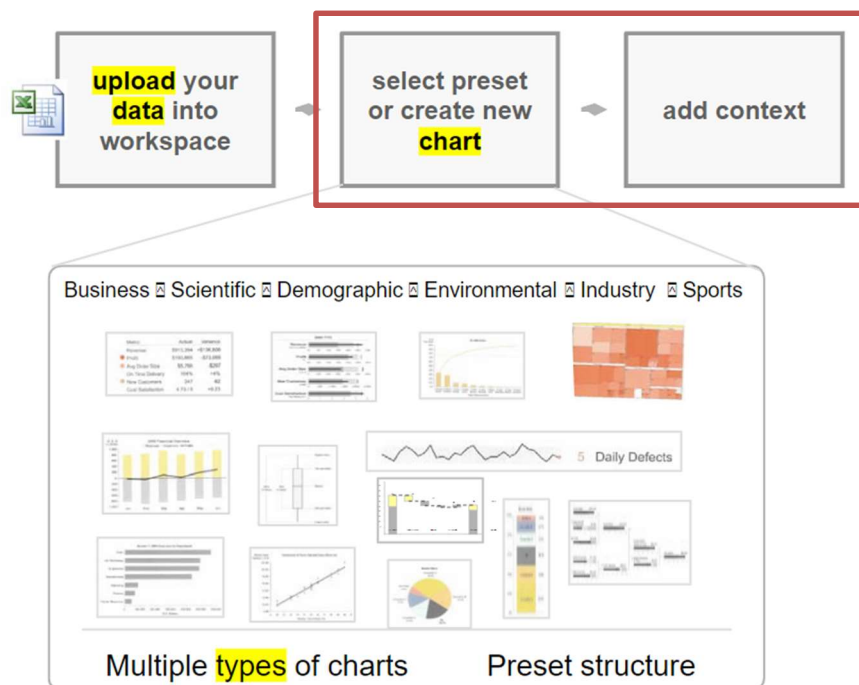
This is a working wire frame which shows the flow of various functions in the work bench. Please click on the buttons on side of list boxes for **data** sources and iCharts to see how various functions will work.

The first screen will be used only to preview the **data** sources and iCharts and we have put the chart creation and edit function in a popup window for the sake of space and usability. Most of the formatting functions will be provided on right **click of mouse** (can be seen on new chart creation **pane** bar series). Please provide us with your suggestions and feedback before we finalize on this in functional requirement document.

(EX2029, dated October 19, 2007)

P. Dependent claim 16 – “The method of claim 10, wherein receiving the user selection of the chart template is before receiving the user selection of the data.”

Selection of chart template comes before editing the chart by selecting data.



(EX2030, metadated June 4, 2007)

III. EVIDENCE OF REDUCTION TO PRACTICE

16. Following June 4, 2008, the latest date on which we rely for conception for purposes of *Inter Partes* Review, we continued to reduce the technology to practice with reasonable diligence up through the filing of the utility application on September 5, 2008.

17. At the beginning of June, Compassites provided an updated iCharts UI for review. EX2031 (June 5, 2008). Development of the iCharts product continued on other fronts, and I continued to provide feedback as we progressed, keeping an eye on the upcoming TechCrunch50 application deadline. EX2032, EX2033, EX2034 (June 5, 2008); EX2035 (June 6, 2008); EX2036, EX2037 (June 11, 2008).

18. The TechCrunch deadline provided an opportunity to recap where we were as a team and get on the same page for future plans. I circulated an email that summarized our milestones (such as the pre-Beta program we had up and running) and what we should prepare going forward (the upcoming private and public Beta versions of iCharts). EX2038 (June 6, 2008). With a refocused approach to developing the technology, Compassites and the rest of the iCharts team persisted in our efforts to reduce the tech to practice. EX2039, EX2040 (June 7, 2008); EX2041

(June 10, 2008); EX2042 (June 11, 2008); EX2043, EX2044, EX2045 (June 12, 2008); EX2046 (June 13, 2008); EX2047 (June 19, 2008); EX2048, EX2049 (June 20, 2008); EX2050 (June 21, 2008); EX2051 (June 23, 2008); EX2052 (June 24, 2008); EX2053, EX2054 (June 25, 2008).

19. Compassites provided updates as it continued to work on the iCharts prototype, such as when new versions had been uploaded to the server, and we concluded the month of June 2008 with a conference call. EX2055 (June 27, 2008); EX2056 (June 30, 2008).

20. We filed our provisional application on July 2, 2008, EX1013 at 0045-0073, and continued reducing the prototype to practice in the beginning of July, with a focus on the data glide and zoom features, as well as the flow for uploading data sheets. EX2057, EX2058 (July 1, 2008). The latest version of the charting feature, specifically for bar charts, was operating smoothly, (EX209 (July 1, 2008)), so we moved our focus to other parts of the prototype that still needed some updating, like the interactivity options menu, the visual structure of certain charts, and other items that we referred to as specific “tickets” for the Compassites team to address on each new pass-through. EX2060 (July 4, 2008); EX2061 (July 6, 2008); EX2062 (July 7, 2008); EX2063 (July 8, 2008); EX2064 (July 9, 2008); EX2065 (July 11, 2008); EX2066 (July 12, 2008); EX2067 (July 13, 2008).

21. At the same time, in early July, we were also stage testing a “Private – Beta” version of the prototype. EX2068 (July 10, 2008).

22. At roughly the midpoint of July we consolidated our bug collection/feedback lists for continued development, (EX2069 (July 14, 2008)), just in time for a new version release of iCharts on our pilot server. EX2070 (July 14, 2008). I remained in contact with Compassites as it continued to integrate the iCharts Portal with iCharts Studio, the integration, which, according to Compassites, would be ready by early September 2008. EX2071 (July 15, 2008). Accompanying this integration and its look ahead to iCharts going live was the fleshing out of the release management process. EX2072 (July 16, 2008).

23. Even still, there was plenty of work left to do, and through our consolidated ticket system, I continued my back-and-forth with Compassites and other team members to address and tackle these tasks as they arose. EX2073, EX2074, EX2075, EX2076 (July 20, 2008); EX2077 (July 22, 2008). And as we continued to develop, we received word that iCharts had been selected as a semifinalist for the TechCrunch50 conference, EX2078, EX2079 (July 22, 2008)), which prompted a meeting to take stock of where we were in the development process and to make sure we had a functioning demo for the final round of the TechCrunch application process. *Id.*; EX2080 (July 23, 2008); EX2081 (July 24, 2008); EX2082 (July 25, 2008).

24. Through the end of July, Compassites and the iCharts team continued tweaking the prototype, optimizing the Publish, Download, Share, and Customize functions, among other features, and had a conference call to check on the status of the iCharts Portal, iCharts Studio, and integration of both. EX2084 (July 25, 2008); EX2085 (July 27, 2008); EX2086, EX2087 (July 28, 2008); EX2088 (July 29, 2008).

25. The development continued into early August while we held an upcoming TechCrunch deadline in mind. EX2089, EX2090 (August 1, 2008); EX2091, EX2092 (August 2, 2008); EX2093 (August 3, 2008); EX2094 (August 5, 2008); EX2095, EX2096, EX2097 (August 6, 2008); EX2098, EX2099 (August 7, 2008); EX2100, EX2101, EX2102, EX2103 (August 8, 2008); EX2104 (August 10, 2008). We also updated our pilot database with new code and reviewed its functions. EX2105, EX2106 (August 5, 2008).

26. Around this same time, we were working with our attorney, Jennifer Hayes, to draft and file our utility patent application. EX2109 (August 6, 2008).

27. By mid-August, Compassites requested an internally scheduled demo of the portal be moved because a “major piece of code” was in development, and so we continued the development as we got closer to our scheduled launch date of in September 2008. EX2110 (August 14, 2008).

28. Around this same time, I checked in with our patent attorney for an update on her progress drafting the utility patent application, and we discussed the application.

29. The final interview with TechCrunch provided additional insights into updating the iCharts technology, and from the middle of August to the end of the month, work continued on the iCharts application, even reaching an internal milestone of preparing 1000 charts by various pilot users through the private beta version of the application. EX2113 (August 16, 2008); EX2114 (August 17, 2008); EX2115, EX2116, EX2117, EX2118, EX2119, EX2120 (August 19, 2008); EX2121 (August 20, 2008); EX2122, EX2123, EX2124, EX2125 (August 22, 2008); EX2126, EX2127, EX2128, EX2129 (August 25, 2008); EX2130, EX2131, EX2132, EX2133, EX2134 (August 27, 2008); EX2135 (August 28, 2008); EX2136 (August 29, 2008); EX20137, EX2138 (August 31, 2008).

30. With our launch date of September 9 solidified, the beginning of September 2008 saw us crank up our correspondence to fix last-minute nits. We also had to ensure that the iCharts application and website did not leak or get breached before our launch date, and that on the day of launch the system could handle a significant uptick in users. EX2140 (September 1, 2008); EX2141 (September 5, 2008). We at iCharts kept in contact with Compassites to ensure we had a deployment model and could test it so it worked on the day of. EX20142 (September

1, 2008); EX2143, EX2144, EX2145 (September 2, 2008); EX2146 (September 3, 2008); EX2147 (September 4, 2008).

31. In addition to ensuring that the iCharts system would actually work on the day of launch with the amount of expected user traffic, we continued developing the features of the iCharts application to achieve an optimal user experience. EX2148 (September 2, 2008); EX2149, EX2150, EX2151 (September 3, 2008); EX2152, EX2153 (September 4, 2008); EX2154, EX2155, EX2156, EX2157, EX2158 (September 6, 2008); EX2159, EX2161, EX2162 (September 7, 2008); EX2163 (September 8, 2008).

32. The iCharts website was up and functional by September 8, EX2164, EX2165, and we launched it at TechCrunch on September 9. EX2166, EX2167.

33. In parallel the preparation for and actual launch of iCharts, I was still in contact with our patent attorney as we were putting the finishing touches on the utility patent application. EX2169 (September 3, 2008); EX2171 (September 4, 2008). We filed the utility patent application on September 5, 2008. EX1001.

IV. EVIDENCE CITED IN MY DECLARATION

34. When I first began communicating with Mr. Montgomery and Compassites regarding the invention embodied in the '892 Patent and building the iCharts solution, I used my Gmail email account, sduncker@gmail.com. I have maintained my Gmail emails over the years. During the underlying litigation, all

emails from my Gmail account were transferred to iCharts LLC's counsel directly from my Gmail account. I have relied on these emails in this declaration.

35. Eventually, by January 2008 (EX2172), Mr. Montgomery and I began using email addresses with the domain of icharts.net, tyron.montgomery@icharts.net and seymour.duncker@icharts.net. I purchased this domain and hosted our emails locally on a server. I have maintained these emails over the years. During the underlying litigation, the emails on the email server were transferred to iCharts LLC's counsel directly. I have relied on these emails in this declaration.

36. If any email referenced in this declaration included an attachment, the attachment is saved with the email under the same exhibit number. This demonstrates that the attachment existed when the email was sent.

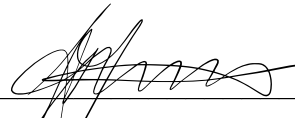
37. I have also maintained numerous files related to the creation and development of iCharts. For any documents I rely on in this declaration that were not attached to an email, I have included a screenshot of the metadata associated with the file which evidences the document's existence during the relevant timeframe. The screenshots are saved behind each document. During the underlying litigation, these documents were transferred to iCharts LLC's counsel directly. Many of the documents were produced in the underlying litigation to Tableau's counsel.

V. LOCATION OF CONCEPTION AND REDUCTION TO PRACTICE EFFORTS

38. During the time periods mentioned above, I was in Germany, Mr. Montgomery was also in Germany, while Compassites employees were in India, unless specified otherwise in the emails or in this declaration. I also made trips to India to meet with the Compassites team, and to the United States to prepare for the iCharts launch there.

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

Executed on this 6 th day of August, 2025.

By: 
Seymour Duncker