

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TABLEAU SOFTWARE, LLC  
Petitioner

v.

ICHARTS LLC  
Patent Owner

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**DECLARATION OF DEBORAH C. LOFTON**

***Mail Stop “PATENT BOARD”***

Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-145

I, Deborah C. Lofton, declare as follows:

**I. Introduction**

1. I am currently employed by QlikTech Inc. (hereinafter “Qlik”) as Chief Legal Officer and Corporate Secretary.

2. This declaration is submitted in response to a third-party subpoena served by Tableau Software, LLC upon QlikTech Inc. as part of Civil Action No. 3-24-cv-03157 in the Northern District of California. I also understand this declaration will be submitted as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office.

3. For these proceedings, I was asked to provide facts, on behalf of Qlik, about two manuals for a product called QlikView. I have not been asked to provide testimony about the functionality of the QlikView product itself.

4. Exhibit 1008 (EX1008) is the first edition of the Reference Manual for QlikView Version 8.50 (also called 8.5). EX1008 appears to be authentic and complete, bearing Qlik’s company markings, logos, and identifiers consistent with official documentation. Upon review, I have not found any irregularities or omissions. Nor have I found a reason to doubt its authenticity.

5. Exhibit 1009 (EX1009) is the first edition of the Reference Manual for QlikView Server Version 8.50 (also called 8.5). EX1009 appears to be authentic and complete, bearing Qlik’s company markings, logos, and identifiers

consistent with official documentation. Upon review, I have not found any irregularities or omissions. Nor have I found a reason to doubt its authenticity.

6. EX1008 and EX1009, as reference manuals, were regularly produced and kept in the normal course of business, reflect Qlik's regularly conducted business activities (engaging with customers and potential customers about its QlikView product), and were made at or near the time of the activities reflected therein (June 2008) by persons with knowledge of the activities.

7. QlikView Version 8.50 was scheduled for release on June 30, 2008. *See* EX1021 ("Due for release on June 30, QlikView 8.5 features significant improvements"). No later than July 9, 2008, Qlik was selling and shipping to customers copies of QlikView Version 8.50. The documentation for QlikView Version 8.50, including the reference manuals (e.g. EX1008 and EX1009), would have been available at the time of sale either (1) on the compact disc (CD) containing QlikView's installation package or (2) on Qlik's ftp website (<http://ftp.QlikTech.com>). EX1008 and EX1009 appear to be documentation that would have been included with the purchase of QlikView Version 8.50 during the June/July 2008 timeframe.

## **II. Conclusion**

In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case. If cross-examination is required of me, I will appear for cross-examination at a mutually agreeable location during the allotted time.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,



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Deborah C. Lofton

Date: September 24, 2024