

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ETN CAPITAL, LLC, d/b/a BEECH LANE

Petitioner

v.

FBA OPERATING CO,

Patent Owner

Case No. To Be Assigned

US Patent No. 10,890,925

DECLARATION OF VINCENT H. LEE

VINCENT H. LEE, pursuant to 28 U.S.C. § 1746, hereby declares the following under penalty of perjury:

1. I am over eighteen years of age and competent to be a witness in this proceeding.
2. I am the President and founder of TealPoint Software, a leading provider of productivity software, entertainment applications and utilities solutions including mobile applications for the Palm OS, Windows Mobile and web OS.
3. TealPoint created software to operate on Personal Digital Assistants (“PDAs”) and other smart devices including Palm devices such as the PalmPilot.
4. TealPoint created the following software applications for the Palm OS and WebOS:
 - a. TealBaby – a progressive interval timer that helps train children to sleep through the night;
 - b. TealFish Tank – a freshwater fishtank simulator;
 - c. TealLevel – a leveling application that calculates heights needed to elevate or lower RV tires to level them;
 - d. TealShopper – a list manager for shopping;
 - e. TealSpeed – a speed dialer and app launcher;
 - f. TealTime – clock and timer, countdown timer, World Clock, stopwatch and alarm;

- g. TealAuto – logbook application for tracking automobile mileage, services and expenses;
- h. TealPaint – a paint and sketch program for mobile devices;
- i. TealSafe – a personal data wallet that stores passwords, PIN numbers and credit cards;
- j. TealTracker – a time and expense tracker;
- k. ShortCircuit – puzzle game;
- l. Sudoku Addict – a Sudoku game for mobile devices;
- m. TealAgent – Retrieves information from web sources without a wireless connection;
- n. TealAlias – Utilized placeholder “Alias” files to automatically find, load, and launch apps and data from external SD cards, increasing available main memory on devices;
- o. TealBackup – a backup, copy and restore system for mobile devices;
- p. TealDesktop – a software application launcher for mobile devices;
- q. TealDiet – diet, exercise and personal training application for mobile devices;
- r. TealDoc – reading, editing, and browsing application for documents;
- s. TealEcho – allows use of Graffiti text on other documents;

- t. TealGlance – appoint reminder application;
- u. TealInfo – a handheld reference library for information such as postal rates, area codes, tip tables, schedules, airports;
- v. TealLaunch – an application launcher with single button action;
- w. TealLock – automatic locking program for handheld devices;
- x. TealMagnify – enlarges views of applications automatically;
- y. TealMaster – manages extension programs;
- z. TealMeal – personal restaurant database;
- aa. TealMemBrain – prevents crashes and monitors memory use;
- bb. TealMover – assists in moving, modifying, and deleting files;
- cc. TealMovie – movie and multimedia player;
- dd. TealNotes – application that provided freehand style sticky notes
- ee. TealOS – a multifunction application launcher that simulated card-based interface of WebOS
- ff. TealPaint – a paint, sketch and draw program;
- gg. TealPhone – address book and contact information;
- hh. TealPrint – enables text and graphic printing from a mobile device to a printer;
- ii. TealScan – monitors PDA and smartphone functionality and assists with system utility;

- jj. TealScript – added Graffiti text input to Treo and Centro smart phones;
 - kk. TealTools – a pop up bundle of applications with clock, calculator, memopad and editing tools panel; and
 - ll. TealWheel – an application launcher.
- 5. TealPoint branded most of its software applications with marks including the “Teal” prefix to promote TealPoint as a brand for PDA software applications.
 - 6. TealPoint maintains a website and its catalog of mobile applications at <http://www.tealpoint.com/index.htm>.
 - 7. TealPoint was known as a leader in developing applications for the Palm OS.
 - 8. TealPoint received numerous awards recognizing its applications for PDAs in the computer and handheld computer industry which included the following:
 - a. Shareware Industry Awards 2004 People’s Choice Award for Best Program for PDAs (for TealDoc);
 - b. Shareware Industry Awards 2003 People’s Choice Award for Best Program for PDAs (for TealDoc);
 - c. Shareware Industry Awards 2002 People’s Choice Award for Best Program for PDAs (for TealGlance);
 - d. Shareware Industry Awards 2002 People’s Choice Award for Best Program for PDAs (for TealPhone);

- e. Shareware Industry Awards 2000 People's Choice Awards Best Program for PDAs (for TealInfo);
 - f. ZD Net PalmPilot Software Awards Winner HACKS 1998 (for TealScript 1.28);
 - g. ZD Net PalmPilot Software Awards Winner Applications Category 2000 (for TealInfo);
 - h. Handheld Computing Best Graffiti Enhancement Finalist 2001 (for TealEcho);
 - i. Handheld Computing Best Enterprise Application-Security Finalist 2001 (for TealLock);
 - j. Handheld Computing Best Image or Animation Viewer Finalist 2001 (for TealMovie);
 - k. True copies of the awards are attached hereto as Exhibit 1016.
9. TealPoint also purchased Google Adwords to attract potential customers for its PDA applications, but primarily relied upon unsolicited third-party endorsements and media articles.
10. TealPoint applications were available in the Palm App Catalog which was similar to Apple's current App Catalog. TealPoint software applications were available for purchase in the Palm App Catalog and users could download the software to their Palm devices.

11. The Palm App Catalog was searchable from Palm devices. The public was well aware of how to find and download applications from the Palm App Catalog. This process was described in detail with diagrams in a book published in 2010 titled How to Do Everything: PalmPre, written by Rick Broida, Dave Johnson. Chapter 10, “Finding and Using Apps on the Pre” explains step by step how to search the Palm App Catalog and download applications for the Palm. This book was published by McGraw-Hill, a well-known and well-respected publisher and computer books and widely regarded as a reliable source of information about Palm devices. A copy of the cover of the book along with Chapter 10 are attached hereto as Exhibit 1017.

12. TealPoint applications were also available to the public and consumers on the TealPoint website at <http://www.tealpoint.com/softhome.htm>.

TealLevel Software

13. One of the applications I developed and sold through both the Palm App Catalog and the TealPoint website was called TealLevel.

14. I developed TealLevel in 2009 after my wife and I purchased an RV. We needed to level the RV when we used it, so I created the TealLevel application to assist with this process.

15. There were no other applications on the market at the time I developed TealLevel that would level an RV. This application was entirely new and unique at the time it was introduced.

16. TealLevel included an RV leveler that calculated the necessary jacking or blocking heights for the three lowest tires on a RV or motor home.

17. To level an RV using the TealLevel application, a user simply placed a PDA with the TealLevel application installed on a flat surface in the vehicle and the TealLevel application calculated how far the three lowest wheels needed to be raised to level the RV. TealLevel also had a voice playback feature that would convey the leveling data aloud to the user.

18. I also authored a user manual for the TealLevel application. A true and accurate copy of the TealLevel User Manual is attached to this Declaration as Exhibit 1018.

19. I uploaded the TealLevel User Manual onto the TealPoint website before January 12, 2010 and it has been available from 2010 to the present.

20. I listed the TealLevel application on the Palm App Catalog on or about December 25, 2009. The TealLevel application was available for download to anyone through the Palm App Catalog. The Palm App Catalog was searchable by the public and consumers.

21. The TealLevel application was also available for download on the TealPoint website at <http://www.tealpoint.com/softlevl.htm>.

Archive Images of the TealPoint Website & TealLevel Landing Page

22. The Internet Archive at <https://archive.org> contains accurate depictions of TealPoint's website from November 2010. Specifically, the following pages are preserved at archive.org:

a. TealPoint landing page - November 28, 2010

<https://web.archive.org/web/20101128055528/http://tealpoint.com/>;

b. TealLevel product page - November 28, 2010

<https://web.archive.org/web/20101128063739/http://tealpoint.com/softlevl.htm>;

c. TealLevel User Manual PDF - November 28, 2010

https://web.archive.org/web/20101128100253/http://tealpoint.com/teallevl/files/_levldoc.pdf;

d. TealLevel User Manual HTML - November 28, 2010

<https://web.archive.org/web/20101128095600/http://tealpoint.com/teallevl/files/levldoc.htm>.

23. The web pages archived by the Wayback machine on the Internet Archive website and dated November 28, 2010 accurately represent the TealPoint website as it appeared in November 2010.

Third Party Recognition of TealPoint Software

24. TealPoint was well-known within the PDA industry and beyond as a leading developer of software applications for PDAs. Several books and magazines in the PDA industry and beyond mentioned TealPoint as a key source of applications for Palm devices. A text content search of the Wayback machine on the Internet Archive for “TealPoint” revealed several publications that discuss TealPoint applications. A few of those publications include:

- a. 101 killer apps for your Palm Handleld, Dave Johnson and Rich Broida (2004)(“TealAuto lets you track multiple vehicles, export reports to your PC, and it even has a clever ‘meter minder’ alarm so you can avoid costly parking tickets. The only thing it doesn’t do is change the oil; you’ll have to do that yourself...Nonetheless, our hands-down favorite is a program called TealPaint, from TealPoint Software. Certainly the most full-featured paint program for the Palm, TealPaint pretty much does it all. The program has a complete set of painting tools, including lines, shapes, fill tools, an eraser, and a variety of brushes. The program starts you in this screen which displays thumbnail images of your pictures and lets you view, edit, or animate them. Using TealPaint, you can copy and paste sections of your image, not just within the same picture, but in any picture in your database. TealPaint is also an animation tool. Yes, you can use TealPaint to create

animations by playing all the images in a particular database in sequence. To create a simple bouncing ball, for instance, make a series of images in which the ball moves a bit in each successive image.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1019. The images are available on the Internet Archive at:

<https://archive.org/details/101killerappsfor0000john/page/46/mode/2up?q=tealpoint>

- b. How to Do Everything with Your Palm Handheld, Dave Johnson and Rich Broida (2003)(Recognizing TealDoc, “...These days, programs such as TealDoc (from TealPoint) and Palm’s own Palm Reader are generally considered the de facto standard among Palm text readers today.”)(Recognizing TealScript, “Finally, we come to the one product that really manhandles Graffiti, that says, “Look can’t you just learn to understand *my* writing? It is TealPoint Software’s TealScript a utility that lets you tweak Graffiti so its more responsive to your hand, or replace it altogether with a customized character set.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1020. The images are available on the Internet Archive at:

<https://archive.org/details/howtodoeverything000john/page/88/mode/2up?q=tealpoint>

- c. Macworld UK, August 2000 (Recognizing TealLock, “TealLock is a clever security program for your PDA that picks up where Palm OS’s Security Program leaves off. It offers not only password but also password masking, and it allow you to add conditions (timed, by keystroke, power off) to Show/Hide Private Records and Turn Off & Lock.”)(Recognizing TealInfo, “TealInfo is a handy application that allows you to view databases of everything from mixed-drink recipes to guitar chords to metric conversions. Posted on TealPoint’s website these handy little files can find out what names mean , how much of a tip to leave, how to put on a tie- you can even set up your very own Pokemon card checklist.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1021. The images are available on the Internet Archive at:

https://archive.org/details/MacWorld_UK_99_00_01_Mag_PDFs/MacWorld_UK_Aug_2000/page/n43/mode/2up?q=tealpoint

d. The Medical Professional's Guide to Handheld Computing, Chris

Helopoulos, (2004) (discussing TealDoc, "Tealpoint is one of my favorite web sites, despite the fact that it is commercial...They have some really great software. Most of the offerings here are shareware, and many of them are worth buying. TealDoc is an excellent document reader with good features. TealMaster is a Hack Manager, sort of like HackMaster on steroids. TealGlance is a neat application that flashes important reminders from your Date Book or ToDoList each time you turn on your handheld. TealEcho, makes your Graffiti strokes show up (as though your stylus had ink in it) to help you master Graffiti faster. TealMagnify lets you enlarge any area of the screen that you tap with your stylus. TealInfo allows you to read special databases called Folios that were written specifically for it. There's more software. The TealPoint folks also have libraries of documents and Folios on their website. There, too you can sign up for a free updates newsletter." p. 72) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1022. The images are available on the Internet Archive at:

<https://archive.org/details/medicalprofessio0000helo/page/48/mode/2up?q=tealpoint>

- e. Handheld Computing Weekly, Issue #42, July 24, 2000 (“TealPaint 4.44
TealPaint Software announced a new version of their paint program
TealPaint this week. The new version offers support for 4- and 16-
grayscale on any device using the Palm OS version 3.5”) Screenshots of
the publication and the references to TealPoint are attached hereto as
Exhibit 1023. The images are available on the Internet Archive at:
<https://archive.org/details/hhcmagweekly/wk0042h/mode/1up?q=tealpoint>
- f. Handheld Computing Weekly, Issue #40, July 10, 2000 (a review of
TealNotes) Screenshots of the publication and the references to TealPoint
are attached hereto as Exhibit 1024. The images are available on the
Internet Archive at:
<https://archive.org/details/hhcmagweekly/wk0040h/mode/1up?q=tealpoint>
- g. Palmtop User Magazine, (2002)(“The best just got better, with TealPoint
Software continuing to push back the boundaries of ‘hack’ plug-in
technology. TealMaster 2.0 (\$10), quite apart from being the best and most
configurable Hackmaster replacement for traditional Palm OS devices by
some margin, has managed to emulate much of the typical ‘hack’
environment for the new Palm OS 5. By trapping system events and
keypresses, the new TealMaster manages to present them successfully to
existing hacks, even though these will have been written for older

Dragonball-based versions of Palm OS. TealPoint Software maintains a growing compatibility list on its website. www.tealpoint.com”)

Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1025. The images are available on the Internet Archive at: <https://archive.org/details/palmtopuser/PTU03/page/n9/mode/2up?q=tealpoint>

- h. Palm Organizers, Jeff Carlson Second Ed. (2002)(“Install TealEcho (<http://www.tealpoint.com/>) to see Graffiti characters as you write them. Having that visual feedback helps improve Graffiti skills by showing you exactly why your scribbles may be incomprehensible. See Chapter 8 for more about TealEcho.” “TealScript. If you’d rather go in and tinker with each individual Graffiti character, install Teal-Script (<http://www.tealpoint.com/>) By marking the Enable Globally checkbox on the main screen, you can replace Palm’s Graffiti alphabet (though you’re not deleting the original) with the infinitely configurable TealScript. You’re still using graffiti, but you can set up a TealScript profile that reacts better to the way you write.”)(“Most of us are used to direct feedback when we write; for example, a pen’s ink shows us what we’re writing. TealEcho (<http://www.tealpoint.com/>) provides “digital ink” by displaying Graffiti characters as you write them, which often improves your Graffiti

legibility.”)(“TealPaint comes with a Windows desktop utility called TealPaint Image Manager, which extracts images from TealPaint databases and saves them as Windows bitmap (.bmp) image files it lets you print images as well.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1026. The images are available on the Internet Archive at:

<https://archive.org/details/palmorganizers00carlrich/page/38/mode/2up?q=tealpoint>

- i. The Complete Idiot’s Guide to PalmPilot and Palm III, Preston Gralla (1999) (“TealDoc TealPoint Technologies If you’re looking for a way to read many of the informational files available for the PalmPilot, here’s where to go. It includes all the features you’ll need to read documents, and it can even view embedded images.” “TealEcho TealPoint If you’re looking to improve your Graffiti recognition, try this one. It shows you the letters as you draw them.” “TealLock TealPoint Technologies This program protects your PalmPilot and all your vital data. It locks the device or individual items inside it and gives you many ways to customize security.” “TealMagnify TealPoint Technologies Here’s a simple program. You can magnify any portion of your PalmPilot screen by looking through a small, virtual magnifying glass.” “TealMeal TealPoint Technologies Where to eat

tonight? Find out with TealMeal. It's a database that lets you create and edit a list of your favorite restaurants, and lets you look by topics, category, and type of food." "TealPaint TealPoint Technologies Amazing, but true. You can draw on your PalmPilot. You'll be surprised at how sophisticated a drawing device your PalmPilot can be. Try it out even if you can't draw a straight line." "TealScript TealPoint Technologies Tired of Graffiti constantly misreading what you write? Then try out TealScript, which makes it easy to teach Graffiti to better recognize your handwriting.")

Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1027. The images are available on the Internet Archive at: https://archive.org/details/isbn_9780789719676/page/308/mode/2up?q=tealpoint

- j. Handheld Computing Weekly, Pete Scisco Issue #108 Nov. 21, 2021 ("TealDoc 4.51 from TealPoint Software is a \$16.25 shareware program that not only opens standard DOC files but also boasts several advanced features such as screen rotation and support for external VFS-compatible media cards. TealDoc offers full bookmarking features as well as hyperlinking to extra content such as images and other DOC files. Text searching and beaming are also supported." Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1028. The

images are available on the Internet Archive at:

<https://archive.org/details/hhcmagweekly/wk0108h/mode/1up?q=tealpoint>

- k. PalmPilot & Palm Organizers! I Didn't Know You Could Do That..., Neil J.

Salkind (1999)(recognizing TealPhone as “A fun new address book application.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1029. The images are available on the Internet Archive at:

<https://archive.org/details/palmpilotpalmorg0000salk/mode/2up?q=tealpoint>

- l. Sony CLIE for Dummies, Denny Atkin, (2004)(“What if you just can't get used to Graffiti 2? Install TealScript from TealPoint Software, and you can not only fine-tune your CLIE to recognize your own writing style, but also use classic Graffiti strokes! (Check out the TealPoint Software Web site at www.tealpoint.com)) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1030. The images are available on the Internet Archive at:

<https://archive.org/details/howtodoeverything000broi/page/264/mode/2up?q=tealpoint>

- m. Palm OS handhelds in the elementary classroom: Curriculum and strategies, Michael Curtis, Janine Kopera, Cathleen Norris, Elliott Soloway (2004)(“TealDoc TealPoint Software, Basic reader with advanced search,

screen rotation, and document beaming.”)(“TealPaint TealPoint Software A powerful paint and sketch program that features animation, background locking and programmable buttons.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1031. The images are available on the Internet Archive at:

<https://archive.org/details/palmoshandheldsi0000unse?q=tealpoint>

- n. University of Virginia Inside the Information, Volume 8, Number 2 Fall 2001 (“TealLock, produced by TealPoint Software (<http://www.tealpoint.com/softlock.htm>) provides an additional layer of protection to supplement the Palm OS’s existing security. TealLock is configurable to lock down the device during certain hours rendering it useless during off-hours. TealLock is recommended by the Health System to help secure sensitive information on the Palm OS.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1032. The images are available on the Internet Archive at:

https://archive.org/details/University_of_Virginia_Inside_Information/fall01/mode/2up?q=tealpoint

- o. Palm Computing for Dummies Quick Reference, Thomas E. Barich (2000)(“TealPaint: This powerful graphics program from TealPoint Software enables you to sketch, magnify, import, export and even encrypt

images. In addition, it provides a screen-capture feature. More information is available at the TealPoint Web site, www.tealpoint.com/.”)(“TealPhone: This replacement for the Palm Address Book provides a great deal of functionality and quite a few search and customization options for improved contact management. TealPhone has enhanced search capabilities, a quick-see index bar, a clone feature that lets you duplicate existing records, and a tone of customization options. This shareware application is available from TealPoint Software (www.tealpoint.com/)”)

Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1033. The images are available on the Internet Archive at:

<https://archive.org/details/palmcomputingfor0000bari/mode/2up?q=tealpoint>

- p. Wireless Devices End to End, Winston Steward (2002) (“You can also try TealPrint from TealPoint Software, which lets you print via your HotSync port (which means you can print through any USB or serial port-enabled printer...)”)(“For hands-free reading, auto-scrolling is a must. Good PDA readers include Bill Clagett’s CSpot Run, TealPoint Software’s TealDoc, and Palm’s own Palm Reader...”)
- Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1034. The images are

available on the Internet Archive at:

<https://archive.org/details/wirelessdevicese0000stew/page/48/mode/2up?q=tealpoint>

- q. PalmPilot The Ultimate Guide, David Pogue (1998)(“TealGlance Shows an elegant screen full of important information (date, time, battery condition, Date Book entries for today and tomorrow, to-do items, and more) whenever you turn on the PalmPilot. A delight...TealPoint Software, \$12. <http://www.tealpoint.com>”)(“TealMeal Keeps a database of your favorite restaurants. Vince Lee, \$14, <http://www.tealpoint.com>”)(TealEcho An essential aid for mastering the Graffiti alphabet as you write in the Graffiti writing area, you see what you’ve actually just drawn....Great feedback for increased accuracy. TealPoint Software, \$12 <http://www.tealpoint.com>)(“TealMagnify An easily-accessible magnifying glass lens that works with most any program. Requires HackMaster. TealPoint Software, \$12, <http://www.tealpoint.com>”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1035. The images are available on the Internet Archive at:

<https://archive.org/search?query=tealpoint&sin=TXT&page=2>

r. Palm & Treo Hacks, Scott MacHaffie (2006)(“TealInfo/Teal Light The program TealInfo from TealPoint Software (<http://www.tealpoint.com>) allows you to create and use simple interactive databases and mini-applications. One of those programs (called Folios) is Teal Light which gives you a variety of choices for turning your PDA into a flashlight. You can choose from a set of different colors and different patterns, as you can see in Figure 2-25. As you can see, this is a very simple hack—the programs give you some neat options, though. Keep this idea in mind if you need a flashlight and all you have with you is your Palm device.”)(“TealDoc provides the features you should expect in a document reader: anti-aliased fonts, full-screen mode, bookmarks, and smooth scrolling. TealDoc also lets you edit documents.”) (“TealLaunch allows you to invoke applications through combinations of button presses and pen strokes. You can find it at <http://www.tealpoint.com>. You can also use the launcher to make it easier to get to applications. You can either set up categories or replace the launcher.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1036. The images are available on the Internet Archive at:

<https://archive.org/details/palmtreohacks00mach?q=tealpoint>

s. Macworld, Frith Breitzer; Suzanne Courteau; Kelly Lunsford; Lisa Schmeiser; Jason Snell (July 2000)(“TealLock 2.10E TealPoint Software, www.tealpoint.com; \$12 Don’t leave your personal information unprotected. TealLock is a clever security program for your PDA that picks up where Palm OS’s Security program leaves off. It offers not only password protection but also password masking, and it allows you to add conditions (timed, by keystroke, power off_ to Show/Hide Private Records and Turn Off & Lock.”)(“TealInfo 2.22D, TealPoint Software, www.tealpoint.com \$17 TealInfo is a handy application that allows you to view databases of everything from mixed-drink recipes to guitar chords to metric conversions. Posted on TealPoint’s Web site, these handy little files can find out what names mean, how much of a tip to leave, how to put on a tie—you can even set p your very own Pokemon card checklist.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1037. The images are available on the Internet Archive at: https://archive.org/details/macworld00unse_10q/page/96/mode/2up?q=tealpoint

t. How to Do Everything with Your Palm Handheld, Dave Johnson

(2002)(“These days, programs like TealDoc (from TealPoint) and Palm’s own Palm Reader are generally considered the def facto standard among Palm readers today.”)(“Finally, we come to the one product that really manhandles Graffiti, that says, ‘Look, can’t you just learn to understand my writing?’ It is TealPoint Software’s TealScript, a utility that lets you tweak Graffiti so it’s more responsive to your style, or replace it altogether with a customized character set. If you’re willing to battle one of the steepest learning curves we’ve encountered in a piece of Palm software, the benefits are truly worthwhile. TealScript works its wizardry through the use of custom profiles, which contain the Graffiti character set as you define it. In other words, you teach TealScript how to write, and it teaches Graffiti to accommodate your penmanship.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1038. The images are available on the Internet Archive at:

https://archive.org/details/howtodoeverything00dav_upl/mode/2up?q=tealpoint

- u. The Cleveland Clinic Guide to Surgical Patient Management, Jeffrey

Ponsky (2002) recognizing TealDoc (“TealDoc is a full-featured reader for standard Palm Pilot docs, with quality, intuitive interface, and affordability. Supports embedded TealPaint pictures, bookmarks, headers, and hyperlink buttons. Other features, include changeable fonts, convenient forward and backward searches with advanced search options, adjustable display options, and multispeed forward and backward autoscroll.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1039. The images are available on the Internet Archive at:

<https://archive.org/details/clevelandclinicg0000unse/mode/2up?q=tealpoint>

- v. Crisis Communications: A Primer for Teams, Al Czarnecki, (2007)(“If data security is an issue, TealPoint offers TealLock, a security and data encryption solution for Palm devices. It has a whole range of options, including the ability to shred all data if the wrong password is entered a specified number of times. Ther’s also a corporate edition that offers multiunit installation.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1040. The images are available on the Internet Archive at:

<https://archive.org/details/crisiscommunicat0000czar/page/38/mode/2up?q=tealpoint>

- w. Handheld Computing Magazine Issue 5.2 (June 2002), (“Nonetheless, many solutions exist. TealPoint’s TealLock, for instance, is a direct replacement for the weak security in the Palm OS. TealLock includes three passwords—an administrator password, guest password, and a ‘quick’ password that just works once. It includes a wide a variety of lock-out options Users can direct the palm to lock itself at each power-off, after a specified time, or only during certain hours of the day. For particularly sensitive data, TealLock has a self-destruct mode; it can be ordered to destroy the data on the handheld after a certain number of incorrect password entries. In essence, TealLock makes the lock-out feature of the Palm a practical security tool for keeping unauthorized users out, since the program has so many ways to customize the security of the device. Passwords can even be set to expire, making it easy to manage multiple users—some temporary—in an enterprise environment. A Corporate Edition of TealLock adds a number of remote administration tools, such as multi-user installation, enforced lockouts, password restrictions, and the ability to unlock devices remotely. TealPoint includes a handful of other features as well. The Palm can be set to display a specific image or text

message when locked, and the software goes beyond the built-in security by locking the serial and infrared ports as well.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1041. The images are available on the Internet Archive at:

https://archive.org/details/hhcmag/HHCMag_June_2002/page/40/mode/2up?q=tealpoint

- x. Leo Laporte’s 2003 Technology Almanac, Leo Laporte & Laura Burstein (2003)(“TealPaint is the best color painting program for the Palm. Free to try and \$17.95 to buy, from www.tealpoint.com”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1042. The images are available on the Internet Archive at:

<https://archive.org/details/techtvleolaporte00lapo/mode/2up?q=tealpoint>

- y. The Independent Film & Video Monthly, “Storytelling on the Subway” Beth Pinksker, (January/ February 2001) (“TealPaint is a filmmaker’s mobile tableau”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1043. The images are available on the Internet Archive at:

<https://archive.org/details/independentfilmv24foun1/page/n483/mode/2up?q=tealpoint>

- z. Essentials of Nursing Informatics, Virginia K. Saba, Kathleen A. McCormick, Fourth Edition (2006)(“Other popular document readers, which are commercially available, include TealDoc TealPoint Software, 2004...”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1044. The images are available on the Internet Archive at:

<https://archive.org/details/essentialsofnurs0004unse/mode/2up?q=tealpoint>

- aa. PC Today Magazine, Nathan Lake (2010)(“Business travelers often need to be aware of world times, and with TealTime (\$4.99 www.tealpoint.com) from TealPoint Software, you’ll have an app that delivers a 3D world clock, countdown timer, stopwatch, and alarm clock. There’s a timepiece you can configure to show multiple time zones as well. you can also set up a dashboard that displays the times when you are using other programs. You can use the stopwatch to calculate averages for your timings and display linked lap timers.”) Screenshots of the publication and the references to TealPoint are attached hereto as Exhibit 1045. The images are

available on the Internet Archive at: <https://archive.org/details/pctoday-magazine-v8i3/page/n45/mode/2up?q=tealpoint>

25. TealPoint was also discussed in the Palm OS Bible, by Glenn Brown published in 2000 by IDG Books Worldwide. He noted, “TealPoint www.tealpoint.com TealPoint makes great software for the Palm Organizer—TealPaint, TealDoc, TealScript, and more. These shareware programs are covered throughout the book and are found on the CD_ROM. Figure 19-2 shows the TealPoint Web site.” Copies of the pages of this publication with the references to TealPoint are attached hereto as Exhibit 1046.

26. The PalmUser Journal Issue 8, profiled TealMovie and TealPrint applications. Photographs of the publication and the references to TealPoint are attached hereto as Exhibit 1047.

27. TealMovie was recognized by Handheld Computing Magazine as a Top Pick, in Issue 4.4. Photographs of the publication and the references to TealPoint are attached hereto as Exhibit 1048.

28. TealMovie was reviewed in The San Jose Business Journal, May 11, 2001, by Neil Orman “Now showing on a hand-held.” Photographs of the publication and the references to TealPoint are attached hereto as Exhibit 1049.

29. TealPoint was also recognized in US Patent No 6,972,776. (citing TealDoc User's Manual and noting, "Some software programs for Palm personal digital assistants (PDAs), including TealDoc by TealPoint Software and TakeNote! By LandWare, allow a user to scroll up/down through documents by pressing the stylus against the screen.") A true copy of the patent is attached hereto as Exhibit 1050.

30. Although devices generally no longer run the Palm OS, TealPoint still offers its software for sale on its website and TealPoint still sells mobile applications from its website.

31. As a developer of applications for Palm devices, I can say that anyone interested in developing applications for a Palm device would most likely have been aware of TealPoint Software and could have visited the TealPoint website to learn about the various applications offered by TealPoint.

This the 10 day of September, 2024.

A handwritten signature in black ink, appearing to read "Vincent H. Lee", written over a horizontal line.

VINCENT H. LEE