

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GETTATTLE, INC.
Petitioner

v.

AFTERWORDS, INC.
Patent Owner

Patent No. 10,430,811

DECLARATION OF YURIY BRUN, PH.D.

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A. INTRODUCTION

1. My name is Yuriy Brun, Ph.D., and I have been asked to provide an expert declaration on behalf of GetTattle (“Petitioner”) in this case.
2. Afterwords, Inc. (“Patent Owner”) is the owner of record of U.S. Patent No. 10,430,811 (“the ‘811 Patent”) and the respondent in this case.
3. In forming my opinions, I rely on my knowledge and expertise in computer software, software engineering, and on documents, products, and information referenced in this Declaration.
4. Petitioner has retained me as an expert in this case. I am paid at the rate of \$700 per hour for my time, plus out-of-pocket expenses. My opinions are objective, and my compensation does not depend on the outcome of this matter.
5. I earned a Bachelor of Science in Computer Science and Engineering and a Bachelor of Science in Mathematics in 2003 from the Massachusetts Institute of Technology (“MIT”). I earned a Master of Engineering in Electrical Engineering and Computer Science in 2003 from MIT.
6. I earned a Master of Science in Computer Science from University of Southern California (“USC”) in 2006. I additionally earned a Doctor of Philosophy in Computer Science from USC in 2008.

7. Since 2012 until present, I have held positions of Assistant Professor, Associate Professor and Professor with the University of Massachusetts in Amherst, MA.
8. During my career, I have developed expertise in several areas including, but not limited to, software engineering, distributed systems, survey-based and experiment-based human-computer interaction, automated program repair, formal verification, program synthesis, and machine learning.
9. I have taught classes to students on topics, including, but not limited to, Software Engineering, including Advanced Software Engineering: Analysis and Evaluation, Theory and Practice of Software Engineering, Introduction to Software Engineering, Software Engineering Project Management, and Programming Languages & Systems Seminar.
10. I have received numerous Honors, Awards, and Fellowships relating to Software and Electrical and Computer Engineering, including being recognized as a Fellow of the IEEE, a Distinguished Member of the ACM, IEEE Computer Society TCSE New Directions Award, Interdisciplinary Studies Institute Fellow, National Science Foundation CAREER Award, IEEE TCSC Young Achiever in Scalable Computing Award. Six of my papers have won Best or Distinguished Paper Awards, and one has won a Most Influential Paper Award. I have been recognized by industry with a Google Inclusion Research Award and a Google

Faculty Research Award, an Amazon Research Award, and a Microsoft Research Software Engineering Innovation Foundation Award.

11. I am the listed inventor for U.S. Patent Nos. 8,332,457B2 and 10,691,585B2.

12. Additional details of my education, work experience, and publications are set forth in my curriculum vitae, which is attached as Appendix A.

B. Assignment

13. I have been asked to provide my opinions on the *Inter Partes* Petition being submitted to the Patent Trial and Appeal Board as prepared by counsel for Petitioner.

14. In forming my opinions, I have considered the ‘811 Patent and its file history.

15. I have also considered prior art references:

- a. U.S. Publication No. 2015/0193794 (“Douglas”); and
- b. U.S. Publication No. 2014/0337098 (“Ganesh”).

C. Legal Standards

16. It is my understanding that for a reference to be used to render claims of a patent unpatentable under 35 U.S.C. §102 and/or 35 U.S.C. §103, it must be a prior art reference as defined by 35 U.S.C. §102 as the status was in effect at the time the invention was made, and as interpreted by controlling case law.

17. It is my understanding that for a patent to be anticipated under 35 U.S.C. §102, all of the limitations of the claim under study must be present within the reference. For example, for a patent to be anticipated under 35 U.S.C. §102 by a single reference, all of the limitations of the claim must be present and disclosed within the four corners of the single reference.

D. Legal Standards

18. I understand that in *Inter Partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which those terms appear as those terms would be interpreted by a person of ordinary skill in the art.

19. I understand Petitioner is asserting 3 specific terms for Claim Construction. Based on my professional experience, I believe the Petitioner's claim terms are properly constructed as follows.

TERM 1 : Point-of-sale Interface

20. It is my opinion that the term "Point-of-sale Interface" should be construed as "executable software component embedded within a point-of-sale terminal."

21. In the '811 Patent, the term interface is defined on col. 4, lines 32-37 as "an interface component of computer executable instructions stored in a tangible, non-transitory medium and executed by processor 12 to present a display of

information related to the interface allowing someone to view and/or interact with the presented information.”

22. In the ‘811 Patent, the term point-of-sale (POS) refers to terminal element 105 of Fig. 2 and noted as being within the POS client 100.

TERM 2 : Survey Token

23. It is my opinion that the term “Survey Token” should be construed as “a data field generated by the point-of-sale system and provided to the customer by the point-of-sale system in response to a commercial transaction for pairing a customer with a survey.”

24. In the ‘811 Patent, at col. 5, lines 46-47, the term token is defined as “any identifying information that identifies a particular customer or transaction.”

25. The leading term survey is given its ordinary meaning, referring to an inquiry or questionnaire provided to a customer soliciting feedback.

26. In the ‘811 Patent, at col. 6, lines 56-59, notes the survey token is a data field “given to the customer at the time of the sale and associated with the customer’s purchase in the purchase detail table 170.”

27. The ‘811 Patent differentiates between a survey token and a customer token such that a customer token refers to a loyalty program account number, disclosed in col. 5, line 50 as “a loyalty program account number.”

TERM 3 : Purchase Detail Identifier

28. It is my opinion that the term “purchase detail identifier” should be construed as “a data category that identifies elements of a commercial transaction as generated by the POS terminal.”
29. The ‘811 Patent does not directly define this claim term, but infers the term is a “data category” based on col. 5, lines 13-14 stating “[a]ttribute groups can also be used for other data categories (i.e. purchase detail identifiers as well).”
30. The ‘811 Patent further discloses the only processing element as generating the purchase detail identifier is the POS client 100, including col. 5, lines 35-41 of the ‘811 Patent disclosing the operations of the purchase detail component 110.

E. Douglas (re: Ground 1)

31. It is my opinion that Claim 19 is unpatentable under 35 U.S.C. §102 because Douglas identically discloses all of the claimed limitations recited therein.
32. Douglas has a priority date of January 08, 2014 and therefore is a valid prior art reference to the ‘811 Patent having an earliest asserted priority date of January 15, 2015.
33. Claim 19 recites a “computer-implemented method for providing transaction-specific surveys.”
34. Douglas discloses a computerized system and method for generating and communicating surveys to customers. Douglas at Abstract. Douglas includes

purchase data as part of the survey generation and includes questions associated with purchased items. Douglas at Para. 27.

35. Claim 19, step (a) of the '811 Patent is “providing a survey server that is configured to receive and store transaction data generated by a point-of-sale interface relating to a commercial transaction between a consumer and a vendor.”

36. Figure 1 of Douglas discloses a Survey System 101 operating as a server via network 108 that communicates with point-of-sale system 107. The Survey System 101 receives transaction data generated by the merchant POS system. Douglas at Para. 39.

37. Claim 19, step (a)(i) of the '811 Patent recites “the transaction data comprises purchase detail identifiers and a survey token” and step (a)(ii) recites “the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers; and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier.”

38. Douglas discloses in Para. 27 that purchase data “may include Stock Keeping Units (SKUs) associated with the purchased product or products.” Douglas discloses in Para. 39 that “Survey generator 103 may create one or more surveys based on the purchase data and send them to the customer device 106,” where transmission to the customer device discloses the survey token identifying

the customer as the recipient. Douglas in Para. 33 further discloses generating specific survey questions based on trigger signals received by processor 102, therefore the Douglas system must have pre-existing survey questions modified or utilized based on the trigger signals indicating customer purchase(s).

39. Claim 19, step (b) of the '811 Patent recites "receiving by the survey server, a survey token."

40. Douglas discloses in Para. 33 that the survey generator creates one or more surveys for customers based on trigger signals.

41. Claim 19, step (c) of the '811 Patent recites "retrieving by the survey server, the transaction data having the stored survey token corresponding to the received survey token."

42. Douglas discloses in Para. 27 that the purchase data "may comprise the date and time of the purchase, the purchase amount, the product type, the name of the merchant, the purchase location, and other information associated with the purchase or the purchased products." As Douglas describes the purchase data as including "other information associated with the purchase or the purchased products" this discloses the claim transaction data having the stored survey token corresponding to the received survey token.

43. Claim 19, step (d) of the '811 Patent recites "determining by the survey server whether the transaction data includes the given purchase detail identifier

such that the configurable Condition is satisfied, generating a Survey Question using the survey question data and the purchase detail identifier.”

44. Douglas discloses in Para. 39 states “Survey generator 103 may create one or more surveys based on the purchase data and send them to the customer device.” Douglas further notes these survey questions can be specifically tailored based on purchase data, e.g. Para. 27.

45. Claim 19, step (e) of the ‘811 Patent recites “generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface.” Claim 19, step (f) recites “transmitting by the survey server, the Survey Module to a vendor survey interface.”

46. Douglas, Fig. 1, discloses the customer device 106 communicating with the survey system 101 via the network 108. Douglas Para. 34 discloses transmitting the survey to the customer’s device 106. Douglas Para. 35 discloses display and interaction with the survey via a graphical user interface, the survey “may be interactive and prompt the customer to respond using a key on a keypad, ... clicking the screen, ... touching one or more responses on a touchscreen of customer device 106.”

47. Claim 19, step (g) of the ‘811 Patent recites “receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.”

48. Douglas Para. 68 discloses in block 304 of Fig. 3, the customer inputs are received by the survey server 101. Moreover, Douglas requires the inputs transmitted back to the survey server 101 because Para. 69 discloses the response processor 104 available to engage in additional processing commands based on the customer inputs.

49. For further reference, I provide the following chart:

Claim 19 : ‘811 Patent	Douglas
19. A computer-implemented method for providing transaction-specific surveys comprising the operations of:	Abstract, Para. 39, Para. 62
(a) providing a survey server configured to receive and store transaction data generated by point-of-sale interface relating to a commercial transaction between a consumer and a vendor, wherein (i) the transaction data comprises purchase detail identifiers and a survey token; and (ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;	Para. 12 Para. 27 Para. 39
(b) receiving by the survey server, a survey token;	Para. 33
(c) retrieving by survey server, the transaction data having the stored survey token corresponding to the received survey token;	Para. 27

(d) determining by survey server, whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the survey question data and the purchase detail identifier;	Para. 39
(e) generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface;	Para. 39
(f) transmitting by the survey server, the Survey Module to a vendor survey interface; and	Para. 39
(g) receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.	Para. 68

F. Douglas (re: Ground 2)

50. It is my opinion that Claims 1-7, 10, 13, 16 and 18 are unpatentable under 35 U.S.C. §102 because Douglas identically discloses all of the claimed limitations recited therein.

51. Douglas has a priority date of January 08, 2014 and therefore is a valid prior art reference to the '811 Patent having an earliest asserted priority date of January 15, 2015.

52. Claim 1 of the '811 Patent recites a survey system for implementing transaction-specific surveys.

53. Douglas discloses a computerized system and method for generating and communicating surveys to customers. Douglas at Abstract. Douglas includes

purchase data as part of the survey generation and includes questions associated with purchased items. Douglas at Para. 27.

54. Claim 1 of the ‘811 Patent recites “a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token.”

55. Douglas discloses the point-of-sale device within merchant 107 for conducting commercial transactions, as well as capturing trigger signals that include transaction data. Douglas Para. 28 discloses product data can be UPC information and Para. 29 notes trigger signals are associated with customer information.

56. Claim 1 of the ‘811 Patent recites “a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein: (i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein

57. Claim 1 of the ‘811 Patent recites “(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B)

retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the given survey question data and the purchase detail identifier, and (D) generating a Survey Module comprising software code for displaying the at least one Survey Question.”

58. Douglas discloses in Para. 27 that purchase data “may include Stock Keeping Units (SKUs) associated with the purchased product or products.”

Douglas discloses in Para. 39 that “Survey generator 103 may create one or more surveys based on the purchase data and send them to the customer device 106,” where survey generator 103 is located within the survey system 101.

59. Claim 1 of the ‘811 Patent recites “(c) a vendor survey interface configured to perform the operations comprising: (i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module; (iii) generating a graphical user interface on a display screen; (iv) running the Survey Module to display the at least one Survey Question as an integrated component within the graphical user interface; (v) generating a Respondent Header based on user-generated inputs in response to the at least one

Survey Question; and (vi) transmitting the Respondent Header to the survey server computing device.

60. Douglas, Fig. 1, discloses the customer device 106 communicating with the survey system 101 via the network 108. Douglas Para. 34 discloses transmitting the survey to the customer's device 106. Douglas Para. 35 discloses display and interaction with the survey via a graphical user interface, the survey "may be interactive and prompt the customer to respond using a key on a keypad, ... clicking the screen, ... touching one or more responses on a touchscreen of customer device 106."

61. Douglas Para. 68 discloses in block 304 of Fig. 3, the customer inputs are received by the survey server 101. Moreover, Douglas requires the inputs transmitted back to the survey server 101 because Para. 69 discloses the response processor 104 available to engage in additional processing commands based on the customer inputs.

62. Claim 2 of the '811 Patent recites "The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage."

63. Douglas in Para. 18 discloses using a web-based application and/or native mobile application and therefore discloses using the webpage frame as a commonly recognized form of web-based application.
64. Alternatively, where a webpage frame may be narrowly defined as a mechanism for displaying a webpage inside another webpage, Douglas implicitly discloses a webpage frame as it is recognized as a form of a web-based application of Douglas Para. 18.
65. Claim 3 of the '811 Patent recites "The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device."
66. Douglas generally discloses a point-of-sale system, as well Para. 21 noting one embodiment where the customer device 106 can act as a point-of-sale location. Douglas additionally discloses in Para. 29 a merchant employee entering product data "into a network enabled computer" as a point-of-sale transaction.
67. Claim 4 of the '811 Patent recites "The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and (b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server."
68. Douglas in Para. 27 discloses receiving transaction data at the survey system 100 via the network 108, the transaction data including purchase data associated with a particular consumer transaction.

69. Claim 5 of the ‘811 Patent recites “The system of claim 1, wherein vendor survey interface is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface.”

70. Douglas in Para. 18 notes the customer device 106 is a mobile device and has the survey interface thereon. Douglas in Para. 19 further notes the device 106 can be linked by customer profile information and a profile database 105 is stored at the survey system 101.

71. Claim 6 of the ‘811 Patent recites “The system of claim 1, wherein the survey token comprises a combination of purchase detail identifiers that identify the commercial transaction.”

72. Douglas in Para. 27 discloses trigger signals comprise purchase data.

73. Claim 7 of the ‘811 Patent recites “The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device.”

74. Douglas in Para. 18 notes the customer device 106 is a mobile device and has the survey interface thereon, as well as the customer device. Douglas Para. 21 discloses that one embodiment includes the mobile device 106 acting as a method of payment at the point-of-sale. Douglas Para. 27 additionally discloses using a mobile payment account associated with the device 106.

75. Claim 10 of the '811 Patent recites "The system of claim 1, wherein: (a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and (b) the Survey Question comprises a Product Survey Question relating to the product/service.

76. Douglas in Para. 27 notes the purchase data includes product information, e.g., SKUs. Douglas in Para. 64 discloses generating surveys based on the purchase data.

77. Claim 13 of the '811 Patent recites "The system of claim 1, wherein: (a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and (b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.

78. Douglas in Para. 66 disclose various types of survey questions, including asking the customer to "rate his experience, ... the customer service..."

79. Claim 16 of the '811 Patent recites "The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question."

80. Douglas in Para. 66 disclose various types of survey questions, including asking the customer to "rate ... the prices, the facilities, ... and whether he would

recommend the store to friends.” These questions are general survey questions and not specific to transaction data.

81. Claim 18 of the ‘811 Patent recites: “the system of claim 1, wherein: the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response; and wherein (b) the survey server computing device is further configured to perform the operations of (E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied.”

82. Douglas in Para. 34 notes the ability for follow-up questions to the customer: “The survey may be interactive, and provide further questions to the customer based on how the customer responds to the initial query or queries. Douglas Para. 37 gives a more specific example of the user indicating the inability to find an item and sending a follow-up survey with that includes a link to an online site for purchasing the item.

83. For further reference, I provide the following chart:

Claims 1-7, 10, 13, 16, 18 : ‘811 Patent	Douglas
1. A system for implementing transaction-specific surveys comprising:	Abstract, Para. 39

(a) a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;	Para. 21 Paras. 27 - 29
(b) a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein:	Para. 33 Para. 39
(i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein	Para. 27 Para. 39 Para. 12 Para. 64
(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the given survey question data and the purchase detail identifier, and (D) generating a Survey Module comprising software code for displaying the at least one Survey Question;	Para. 27 Paras. 61-62, 64
(c) a vendor survey interface configured to perform the operations comprising:	Paras. 18, 20
(i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module;	Para. 18 Para. 39
(iii) generating a graphical user interface on a display screen;	Para. 33

(iv) running the Survey Module to display the at least one Survey Question as an integrated component within the graphical user interface;	Para. 33
(v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and	Para. 44
(vi) transmitting the Respondent Header to the survey server computing device.	Para. 68
2. The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage.	Para. 18
3. The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device.	Para. 21 Para. 29
4. The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and (b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server.	Paras. 27-28
5. The system of claim 1, wherein vendor survey interface is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface.	Paras. 18-19 Para. 26
6. The system of claim 1, wherein the survey token comprises a combination of purchase detail identifiers that identify the commercial transaction.	Para. 27
7. The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device.	Paras, 18, 20-21 Para. 27
10. The system of claim 1, wherein:	Para. 27

(a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and	
(b) the Survey Question comprises a Product Survey Question relating to the product/service.	Para. 64
13. The system of claim 1, wherein: (a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and (b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.	Para. 66
16. The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question.	Para. 66
18. The system of claim 1, wherein: (a) the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response; and wherein	Para. 34 Para. 38
(b) the survey server computing device is further configured to perform the operations of (E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied.	

G. Ganesh (re: Ground 3)

84. It is my opinion that Claim 19 is unpatentable under 35 U.S.C. §102 because Ganesh identically discloses all of the claimed limitations recited therein.

85. Ganesh has a priority date of May 09, 2013, prior in time to the priority date of the ‘811 Patent and therefore is a valid prior art reference.

86. Claim 19 recites a “computer-implemented method for providing transaction-specific surveys.”

87. Ganesh is a published patent application disclosing a computerized method and system for tracking user engagements during a commercial transaction and then generating survey questions to the user based on the commercial transaction.

Ganesh at Abstract.

88. Claim 19, step (a) of the ‘811 Patent is “providing a survey server that is configured to receive and store transaction data generated by a point-of-sale interface relating to a commercial transaction between a consumer and a vendor.”

89. Ganesh discloses this step through the survey server 105A of Fig. 1, as well as disclosing the “survey server 105A, being in communication with a PCD 110 and/or POS 125 via networks 130 may have ... knowledge of the particular items beings scanned at POS 125 for purchase” in Para. 38.

90. Claim 19, step (a)(i) of the ‘811 Patent recites “the transaction data comprises purchase detail identifiers and a survey token” and step (a)(ii) recites

“the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers; and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier.”

91. Ganesh discloses this step, including Para. 34 noting presenting a survey ID to a consumer, as well as Para. 55 and the accompanying disclosure of Fig. 3 for “provisioning a time of purchase (‘TOP’) survey to a consumer during a checkout procedure. Ganesh further discloses in Para. 66 the “survey server 105A may select survey content directed to the items that are being purchased by the consumer.”

92. Claim 19, step (b) of the ‘811 Patent recites “receiving by the survey server, a survey token.”

93. Ganesh discloses in Para. 51 a “survey ID R/R module 112” that “operates to recognize a survey ID for establishing communication with survey server 105A.”

94. Claim 19, step (c) of the ‘811 Patent recites “retrieving by the survey server, the transaction data having the stored survey token corresponding to the received survey token.”

95. Ganesh discloses in Para. 52 a “survey content determination module” that includes querying database 120 and survey content to be pushed to the user’s personal computing device (PCD).

96. Claim 19, step (d) of the '811 Patent recites “determining by the survey server whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, generating a Survey Question using the survey question data and the purchase detail identifier.”
97. Ganesh discloses in Para. 38 survey server 105A having knowledge of items being purchased. Claim 3 of Ganesh further notes selecting survey content based on the item purchased. Additionally, Ganesh Para. 64 discloses block 545 of directing survey questions to the user based on the purchased items.
98. Claim 19, step (e) of the '811 Patent recites “generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface.” Claim 19, step (f) recites “transmitting by the survey server, the Survey Module to a vendor survey interface.”
99. Ganesh discloses this step, including in Para. 52, via the operations of the survey content determination module. Ganesh further discloses in in Para. 45 the PCD may run the application as an interface to a “multimedia platform that may be part of a plug-in for an Internet web browser.”
100. Claim 19, step (g) of the '811 Patent recites “receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.”

101. Ganesh discloses this step, including in Para. 64 disclosing “If the consumer does respond to the pushed survey content, then the ‘yes’ branch is followed from decision block 560 to block 565 and the response is recorded in database 120A.

Fig. 1 illustrates access to the database 120A is via the survey server 105A and therefore the survey server 105A must receive the costumer’s response to the survey questions.

102. For further reference, I provide the following chart:

Claim 19 : ‘811 Patent	Ganesh
19. A computer-implemented method for providing transaction-specific surveys comprising the operations of:	Abstract
(a) providing a survey server configured to receive and store transaction data generated by point-of-sale interface relating to a commercial transaction between a consumer and a vendor, wherein (i) the transaction data comprises purchase detail identifiers and a survey token; and (ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;	Fig. 1 Para. 38 Para. 34 Para. 55 Para. 66
(b) receiving by the survey server, a survey token;	Para. 51
(c) retrieving by survey server, the transaction data having the stored survey token corresponding to the received survey token;	Para. 52
(d) determining by survey server, whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey	Para. 38 Para. 64

Question using the survey question data and the purchase detail identifier;	
(e) generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface;	Para. 52 Para. 45
(f) transmitting by the survey server, the Survey Module to a vendor survey interface; and	Para. 36 Para. 55
(g) receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.	

H. Ganesh (re: Ground 4)

103. It is my opinion that Claims 1-7, 10, 13, 16 and 18 are unpatentable under 35 U.S.C. §102 because Ganesh identically discloses all of the claimed limitations recited therein.

104. Ganesh has a priority date of May 09, 2013, prior in time to the priority date of the ‘811 Patent and therefore is a valid prior art reference.

105. Claim 1 of the ‘811 Patent recites a survey system for implementing transaction-specific surveys.

106. Ganesh discloses a computerized system and method for generating and communicating surveys to customers, as noted in the Abstract. Ganesh further notes the example in Para. 25 of recognizing certain items being scanned a pushing survey questions to the consumer.

107. Claim 1 of the ‘811 Patent recites “a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-

of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token.”

108. Ganesh discloses time of purchase (TOP) surveys and can include a quick response (“QR”) code as a survey ID to the user, such as disclosed in Para. 34.

The TOP surveys include questions about items being purchased, for example as disclosed in Para. 25.

109. Claim 1 of the ‘811 Patent recites “a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein: (i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein

110. Claim 1 of the ‘811 Patent recites “(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the given survey question data and the purchase detail identifier, and (D)

generating a Survey Module comprising software code for displaying the at least one Survey Question.”

111. Ganesh discloses the survey server 105A in communication with point-of-sale (POS) 125 via network 130 and in Para. 64 discloses “At block 545, the POS 125 may monitor scanned items and relay such information to the survey server 105A.” Para. 64 further discloses that in monitoring items being scanned, a survey content selection algorithm selects survey questions based on the items being purchased. Ganesh Para. 65 further discloses pushing survey content to the personal computing device (PCD) 110.

112. Claim 1 of the ‘811 Patent recites “(c) a vendor survey interface configured to perform the operations comprising: (i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module; (iii) generating a graphical user interface on a display screen; (iv) running the Survey Module to display the at least one Survey Question as an integrated component within the graphical user interface; (v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and (vi) transmitting the Respondent Header to the survey server computing device.

113. Ganesh discloses the operations recited in element (c), including Para. 65 as noted above, as well as Para. 31 disclosing using a QR code to direct the consumer

to a website for filing out a survey. Ganesh Para. 45 notes PCD processing elements for the consumer to interact with the survey including via a display device. Ganesh Para. 55 further discloses transmitting the survey responses back to the survey server for being recorded in the database 120A.

114. Claim 2 of the '811 Patent recites "The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage."

115. Ganesh discloses the limitations of claim 2, including for example Para. 31 disclosing a QR code directing the consumer, via the PCD, to a "website hosted by a survey server for filing out a TOP survey."

116. Claim 3 of the '811 Patent recites "The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device."

117. Ganesh discloses POS system, including POS 125 of Fig. 2, as well as noting in Para. 23, among other passages, that the Ganesh system is for conducting consumer surveys "during the checkout process at a retail establishment." Ganesh also discloses in Para. 36 a clerk "scanning items for purchase" and thus disclosing a point-of-sale computing device.

118. Claim 4 of the ‘811 Patent recites “The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and (b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server.”

119. Ganesh discloses the cloud server transmission storing of the transaction data, including via operations disclosed of the survey 105A, memory 119B and database 120, as well as Para. 53 disclosing transmissions of the transaction data and Para. 43 disclosing the database 120B “may store various records relating to, but not limited to, PCD user-specific contact or account information, ... survey content, ... etc.” Ganesh discloses server operations, and it is recognized that a cloud server is one form of a network-based server and therefore the Ganesh server is a broad term that encompasses the cloud server of claim 4 of the ‘811 Patent.

120. Claim 5 of the ‘811 Patent recites “The system of claim 1, wherein vendor survey interface is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface.”

121. Ganesh discloses the limitations of claim 5, including for example Para. 31 disclosing a QR code as input and directing the consumer, via the PCD, to a “website hosted by a survey server for filing out a TOP survey,” which provides for a software application running on the mobile computing device. Ganesh also

discloses the breadth of the disclosure of various types of PCDs and thus these devices include software that running thereon.

122. Claim 6 of the '811 Patent recites "The system of claim 1, wherein the survey token comprises a combination of purchase detail identifiers that identify the commercial transaction."

123. Ganesh discloses the limitation of claim 6, including as disclosed in Para. 31 of a QR code "or some other machine-readable trigger at the POS" and this code directs the consumer to a website for filing out the TOP survey.

124. Claim 7 of the '811 Patent recites "The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device."

125. Ganesh discloses the breadth of the disclosure of various types of PCDs and thus these devices include software that running thereon, including in Para. 22.

126. Claim 10 of the '811 Patent recites "The system of claim 1, wherein: (a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and (b) the Survey Question comprises a Product Survey Question relating to the product/service.

127. Ganesh discloses the limitations of claim 10 including Para. 38 noting the survey server 105A having knowledge of items being scanned, where such knowledge of a scanned item would necessarily include some type of identifier.

Para. 25 lists an example of purchasing a pair of headphones, therefore Ganesh discloses a product identifier because of a recognition of a purchase of a specific type of headphones. Para. 25 further notes that upon recognition of the headphone type, survey questions are pushed to the consumer regarding those headphones.

128. Claim 13 of the '811 Patent recites "The system of claim 1, wherein: (a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and (b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.

129. Ganesh, in Para. 26, expands upon the example of purchasing headphones by including a question relating not to the product itself but rather to a service. Ganesh discloses asking if the user was happy with the service.

130. Claim 16 of the '811 Patent recites "The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question."

131. Ganesh, in Para. 25, discloses an example of asking a general survey question "On a scale of 1 to 10 how did you find the in-store shopping experience?"

132. Claim 18 of the ‘811 Patent recites: “the system of claim 1, wherein: the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response; and wherein (b) the survey server computing device is further configured to perform the operations of (E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied.”

133. Ganesh discloses follow-up inquires / surveys to a user based on responses. Para. 25 discloses the example of purchasing headphones, detecting the headphone being purchased, and then asking a specific question about the headphones. Additionally, Para. 26 notes embodiments of creating follow-up questions, “the nature of an answer to a question asking about the consumer’s experience with assistance in the headphone aisle of the store may be used to dictate the next survey question.”

134. For further reference, I provide the following chart:

Claims 1-7, 10, 13, 16, 18 : ‘811 Patent	Ganesh
1. A system for implementing transaction-specific surveys comprising:	Abstract Para. 25
(a) a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being	Para. 23 Paras. 31-34, 38

configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;	
(b) a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein:	Para. 38 Para. 64
(i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein	Para. 64
(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the given survey question data and the purchase detail identifier, and (D) generating a Survey Module comprising software code for displaying the at least one Survey Question;	Paras. 64-65
(c) a vendor survey interface configured to perform the operations comprising:	Para. 65 Para. 22
(i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module;	Para. 31 Para 18 Paras. 44, 51
(iii) generating a graphical user interface on a display screen;	Para. 45
(iv) running the Survey Module to display the at least one Survey Question as an integrated component within the graphical user interface;	

(v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and	Para. 44 Para. 55
(vi) transmitting the Respondent Header to the survey server computing device.	
2. The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage.	Para. 31
3. The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device.	Para. 23 Para. 36
4. The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and (b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server.	Para. 43 Para. 53
5. The system of claim 1, wherein vendor survey interface is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface.	Para. 22 Para. 31
6. The system of claim 1, wherein the survey token comprises a combination of purchase detail identifiers that identify the commercial transaction.	Para. 31
7. The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device.	Para. 22
10. The system of claim 1, wherein: (a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and	Para. 38 Para. 64

(b) the Survey Question comprises a Product Survey Question relating to the product/service.	Para. 25
13. The system of claim 1, wherein: (a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and (b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.	Para. 26
16. The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question.	Para. 25
18. The system of claim 1, wherein: (a) the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response; and wherein (b) the survey server computing device is further configured to perform the operations of (E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied.	Paras. 25-26

I. Conclusion

135. It is my opinion that the claims of the '811 Patent are invalid under 35 U.S.C. §102 based on the grounds outlined above.

J. Right to Supplement

136. I reserve the right to amend or supplement this declaration, as appropriate, in response to any new arguments raised by the PTAB or the Patent Owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believe 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.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 28, 2025

A handwritten signature in dark ink, appearing to read "Yuriy Brun", written over a horizontal line.

Yuriy Brun