EXHIBIT C

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PI-NET INTERNATIONAL, INC., Plaintiff, v. BANK OF AMERICA, N.A. and MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED, Defendants-Counterclaimants.	C.A. No. 12-280-RGA
PI-NET INTERNATIONAL INC., Plaintiff, v. JPMORGAN CHASE & CO., Defendant.	C.A. No. 12-282-RGA
PI-NET INTERNATIONAL, INC., Plaintiff, v. CITIZENS FINANCIAL GROUP, INC., Defendant.	C.A. No. 12-355-RGA

DECLARATION OF MICHAEL BARDASH

I, Michael Bardash, hereby declare:

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Background

1. For complete background information and a detailed curriculum vitae, please see Exhibit A.

2. I have been requested by counsel for Pi-Net International, Inc. to consider certain claim limitations of three United States Patents, and determine whether the claim limitations are definite to one of ordinary skill in the art, and, if so, the construction or understanding of those claims as they would be understood by a person of ordinary skill in the art, all as of the time frame of 1995-1996.

Materials Considered

3. In connection with the preparation of this declaration, I have reviewed the following materials, which are identified by the Appendix identifications that I understand have been submitted to the Court:

a. U.S. Patent No. 5,987,500 ("the '500 Patent") (Appendix A), and its prosecution history (Appendix D);

b. U.S. Patent No. 8,037,158 ("the '158 Patent") (Appendix B), and its prosecution history (Appendix E);

c. U.S. Patent No. 8,108,492 ("the '492 Patent") (Appendix C), and its prosecution history (Appendix F); and

d. Defendants' motion for summary judgment (marked as DI-60 and DI-61).

Opinion

4. I begin by noting that all three Patents share a common specification. As best shown in Figures 5C and 5D, the patents disclose a point-of-service (or POSvc) application, or Web application. The POSvc Application is displayed on a Web page and it encapsulates a

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transactional data structure called an "object" that is displayed on the Web page. That object, which contains attributes and information entries, is specific to a given web transaction in a POSvc application.

5. The desired transaction is executed when the object is transmitted/routed between the POSvc Application and a Web merchant's services, such as Bank services. The specification presents the example where (among other possibilities) Bank services are provided by the Web Merchant (presumably a bank), and the Banking POSvc Application (Web application) allows web users to transfer funds between checking and savings account. Other POSvc Applications ("Car Dealer" or "Pizzeria") are also available to the user. As per the specification, the invention links a user with an online service from a Web application or POSvc application 510(1), using "object routing." (Appendix C, '492 Patent 7:4-9; 7:62-8:39; Figs. 5A, B, C & D, and 8).

6. Simple Object Access Protocol or SOAP is one embodiment of the object routing described in the Patents. SOAP is one of the more common request routing protocols currently in use on the internet. SOAP relies on an XML (eXtensible Markup Language) structure that is an encapsulated object containing structured data, as described in the Patents. Indeed, SOAP uses the terminology of "attributes" and "entries." Normally, one or more attributes within a SOAP "payload" define the "object identity" of the individual data structure specific to the POSvc application on a Web page with "information entries and attributes" and this "object identity" is routed via an open channel exactly as described in the Patents, over an online service network across the Web. More specifically, SOAP requests in a Web transaction from a Web application are comprised of header fields and a message body fields that includes attributes and information entries as described in the Patents. This structured information specific to online

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services, encapsulated as an "object" from a Web page, is routed to a Web merchant's services, such as for example, the Back-office of a Web merchant, over the OSI Application layer.

7. I will now consider the claim terms in order.

Term A

"means for transmitting a transaction request from said transactional application"

Patent No. 5,987,500 Claims 1 and 35

8. A person skilled in the art would recognize that the structure for this means plus function element is the "Exchange." This is apparent from the following statements in the Patents:

> Having accessed Web server 104, user 100 can decide that he desires to perform real-time transactions. When Web server 104 receives user 100's indication that he desires to perform real-time transactions, the request is handed over to an exchange component. Thus, from Web page 105, for example, user 100 can select button 500, entitled "Transactions" and Web server 104 hands user 100's request over to the exchange component.

(Appendix A, '500 Patent at 5:61-6:3). The Patent further states:

> Once Bank POSvc application 510 has been activated, user 100 will be able to connect to Bank services and utilize the application to perform banking transactions, thus accessing data from a host or data repository 575 in the Bank "Back Office." … This connection between user 100 and Bank services is managed by exchange 501. As illustrated in FIG. 5D, once the connection is made between Bank POSvc application 510(1), for example, and Bank services, an operator agent on Web server 104 may be activated to ensure the availability of distributed functions and capabilities.

('500 Patent at 6:54-65). In addition, the Exchange is shown as the structure for transmitting the transaction request in Figure 4B.

9. Thus, the Exchange corresponds to the "means for transmitting a transaction request from said transactional application."

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