

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Covered Business Method)
Review of:)
U.S. Patent No. 8,041,805)
Issued: Oct. 18, 2011)
Application No.: 11/458,625)
Filing Date: Jul. 19, 2006)

For: **System and Method for Reporting to a Website Owner User Reactions
to Particular Web Pages of a Website**

FILED VIA PRPS

**DECLARATION OF JOHN CHISHOLM IN SUPPORT OF
PETITION FOR COVERED BUSINESS METHOD REVIEW
OF U.S. PATENT NO. 8,041,805**

Declaration in Support of Petition for
Covered Business Method Review of USPN 8,041,805

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I, John Chisholm, declare as follows:

1. I have been retained on behalf of Qualtrics, LLC (“Qualtrics” or “Petitioner”) to provide expert testimony in support of its Petition for Covered Business Method (“CBM”) Review of U.S. Patent No. 8,041,805 (“Petition”).

2. I understand that this proceeding involves U.S. Patent No. 8,041,805 (“’805 Patent”), titled “System and Method for Reporting to a Website Owner User Reactions to Particular Web Pages of a Website.” The ’805 Patent is provided as Ex. 1002. I further understand that the ’805 Patent issued from U.S. Patent App. No. 11/458,625 filed on July 19, 2006 (“Filing Date”), and that the ’805 Patent is a continuation of U.S. Patent No. 7,085,820, which is a continuation-in-part of U.S. Patent No. 6,421,724 (“the ’724 Patent”), which was filed on August 30, 1999 (“Earliest Filing Date”).

3. I also understand that according to USPTO records, the ’805 Patent is currently assigned to OpinionLab, Inc. (“OpinionLab”).

4. I understand that Petitioner challenges the validity of all claims 1–33 of the ’805 Patent (“Challenged Claims”). The Challenged Claims include four independent claims: claims 1, 10, 18, and 26; and twenty-nine dependent claims 2–9, 11–17, 19–25, and 27–33.

5. I have reviewed and am familiar with the ’805 Patent as well as its file history. The ’805 file history is provided as Ex. 1003.

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6. As set forth below, I am familiar with the technology at issue as of the Earliest Filing Date.

7. I have been asked to provide my technical review, analysis, insights, and opinions regarding the grounds of CBM-eligibility and invalidity set forth in the Petition. In forming my opinions, I have relied on my own experience and knowledge, as well as my review of the '805 Patent and its file history.

8. I have also relied on additional facts and data of the type that experts in the field of invention would reasonably rely upon in forming an opinion on the subject. In particular, I have relied on such information in order to support and explain my opinion as to how a person of ordinary skill in the art would have interpreted the disclosure of '805 Patent and the background references discussed in this petition. Where relevant, I cite to such references in this declaration.

I. BACKGROUND AND QUALIFICATIONS

9. From 1971 to 1976, I attended the Massachusetts Institute of Technology (MIT), where I received a Bachelor of Science (B.S.) degree and a Master of Science (M.S.) degree in Electrical Engineering and Computer Science. Between 1973 and 1976, I alternated semesters between MIT, where I served as a teaching assistant in Applied Probabilistic Systems, and General Electric, where I worked as a FORTRAN programmer and data analyst.

10. From 1976 to 1978, I attended Harvard Business School (HBS),

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where I received a Master of Business Administration (M.B.A.) degree.

11. From 1978 to 1992, I held a variety of marketing, consulting and management positions with Hewlett Packard (HP), Pyramid Technology, NetFrame, Ventura Publisher, and Xerox. Over those 14 years, my responsibilities and titles advanced from product marketing engineer, to product manager, to senior marketing consultant, to director of product marketing, to vice president of marketing. My responsibilities in these roles included product management, market research and analysis, and customer relations.

12. For most of 1989 to 1993, I ran John Chisholm Group (JCG), a consulting firm specializing in strategic marketing. JCG clients included IBM, HP, Microsoft, Sun Microsystems, 3Com, Kodak, Symantec/Peter Norton, Quantum, and Data General. From 1990–95, I wrote a monthly column for *Unix Today* (later *Open Systems Today*) called “Industry Watch”, and a column for *Unix Review* called “Currents,” which covered computer and software industry trends.

13. In 1992 to 1993, I founded Decisive Technology Corporation (“Decisive”), a provider of automated surveys via email and later the Web. I served as chairman and CEO of Decisive until 1996, when I became Vice President of Business Development. In 1995, the company introduced Decisive Survey 1.0, Windows-based software for designing, deploying and analyzing the results of email surveys. In 1996, we introduced Decisive Survey 2.0 for Web surveys. In

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