

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Early Warning Services, LLC
Petitioner

v.

William Grecia
Patent Owner

IPR2020-00763
U.S. Patent No. 8,887,308

DECLARATION OF WARREN V. JOHNSON

I, Warren V. Johnson, declare the following:

1. I am currently Intellectual Property Counsel at Early Warning Services, LLC (“EWS”). My responsibilities have included overseeing the legal work performed for EWS in connection with IPR proceeding no. IPR2020-00763 (the “IPR”).

2. EWS is owned by several different financial institutions, including JPMorgan Chase Bank, N.A. (“Chase Bank”). Each of these owner financial institutions has an ownership interest of less than 15% in EWS. Chase Bank does not have a controlling interest in EWS. Upon information and belief, Chase Bank is a subsidiary of JPMorgan Chase & Co. (“Chase”) (Chase and Chase Bank are referred to herein individually as a “Chase Entity”, and collectively as the “Chase Entities”). Chase does not have any direct ownership interest in EWS, and also does not have a controlling interest in EWS. Similarly, EWS does not have any ownership interest in either Chase Entity, and also does not have a controlling interest in either Chase Entity.

3. EWS is the sole owner of the Zelle® service. Chase Bank has a non-exclusive license from EWS that allows Chase Bank’s own service, Chase QuickPay®, to interface with certain aspects of EWS’s Zelle® service. Other financial institutions have similar non-exclusive licenses from EWS to interface with certain aspects of EWS’s Zelle® service.

4. EWS has exercised sole control over its activities in connection with the IPR. The Chase Entities have not had and do not have any control over or participation in the IPR. EWS has not coordinated strategies with either Chase Entity with respect to the IPR. EWS alone has provided the funding for the IPR. The Chase Entities have not directly or indirectly paid for the IPR, and there is no agreement or understanding between EWS and either Chase Entity regarding any reimbursement or payment related to the IPR from such Chase Entity to EWS.

5. EWS had no actual notice of U.S. Patent No. 8,887,308 (the “’308 Patent”) until after complaints were served on the following four entities (the “Banks”) in the following cases filed on March 29, 2019 by William Grecia in the United States District Court for the Southern District of New York: The Bank of New York Mellon Corporation (1:19-cv-02810), Citibank, N.A. (1:19-cv-02811), Morgan Stanley Smith Barney, LLC (1:19-cv-02812), and TIAA, FSB d/b/a TIAA Bank (1:19-cv-02813) (collectively, the “Underlying Litigations”). EWS indemnified the Banks in the Underlying Litigations. EWS did not participate in any way, or have any opportunity to participate, in an earlier case no. 1:18-cv-03696 filed on April 26, 2018 by William Grecia against Chase in the United States District Court for the Southern District of New York (the “Chase case”), in which Grecia asserted the ’308 Patent against Chase. The Chase case closed before the Underlying Litigations were filed. EWS received no notice or other

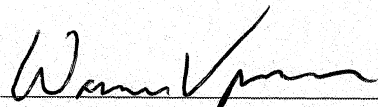
Declaration of Warren V. Johnson

information about the Chase case, the complaint filed in the Chase case, or the '308 Patent asserted in the Chase case until after the Chase case settled and after the Banks were served with their complaints in the Underlying Litigations. EWS did not indemnify either Chase Entity or make any payments related to the Chase case, and neither Chase Entity ever sought or received any indemnification from EWS with respect to the Chase case.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare 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.

Date: July 23, 2020

Respectfully submitted,



Warren V. Johnson