

Filed on behalf of: Versata Development Group, Inc.

Paper _____

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC. ET AL.
Petitioner

v.

VERSATA DEVELOPMENT GROUP, INC.
Patent Owner

Case CBM2012-00001 (MPT)
Patent 6,553,350

DECLARATION OF MATTHIAS LIEBICH

VERSATA EXHIBIT 2091
SAP v. VERSATA
CASE CBM2012-00001

The undersigned, Matthias Liebich, does hereby declare and state as follows:

1. I make the following declaration based upon my knowledge and belief.

I. Background and Qualifications

2. I earned a Diplom-Betriebswirt degree in Business Administration, with an emphasis on Trade, from the Berufsakademie Karlsruhe, in Karlsruhe, Germany, in 1991.

3. I have been working as a business software consultant on SAP-related projects since 1991. During that time, I have developed an expertise in several SAP modules, including R/2 RV (Sales and Distribution), Release 4.3H-4.3J and R/3 SD (Sales and Distribution), MM (Materials Management) and FI (Financial), Release 2.1D – ECC6.0. I am also a certified SAP SD consultant in R/3 3.0 Sales and Distribution (SD). In addition to my functional SAP experience I also have experience in SAP development (ABAP, DDIC). Besides my hands-on experience in these modules of SAP I have particular expertise with the pricing condition technique of the SD module.

4. Some of the companies for which I have consulted on SAP-related projects include The Coca Cola Company, Smith & Nephew, Georgia-Pacific Corporation, James River Corporation, Siemens Medical Systems, Sara Lee Corporation and Hercules Corporation.

5. I have authored 15 articles about SAP, and served as Associate Editor for Logistics and Pricing, for *ERPtips* magazine (formerly *SAPtips* magazine), a leading SAP-related magazine with worldwide distribution.

6. I am the author of “The Ultimate SAP Pricing Guide,” a book that explains how pricing works in SAP.

7. Further aspects of my qualifications, background, and experience are outlined in my *curriculum vitae* attached as Appendix A to my declaration.

II. The Patent Involved in This Proceeding

8. I am informed that the Patent Trial and Appeal Board (Board) granted a petition by SAP seeking covered business method review of U.S. Patent No. 6,553,350 (the ‘350 patent; SX 1001), filed on February 19, 1999 as U.S. Patent Application Ser. No. 09/253,427, which was a continuation of U.S. Patent Application No. 08/664,837, filed on June 17, 1996, now U.S. Patent No. 5,878,400 (the ‘400 patent).

9. I am informed that the ‘350 patent lists Thomas J. Carter of Austin, TX as the inventor and Trilogy Development Group, Inc. (Trilogy), of Austin, TX as the original assignee.

10. I am informed that the current owner of the ‘350 patent is Versata Development Group, Inc. (Versata).

III. Status as an Independent Expert Witness

11. I have been retained in this matter by Rothwell, Figg, Ernst & Manbeck, P.C. of Washington, D.C. (Rothwell Figg) to provide various opinions regarding the '350 patent. I am being compensated at my usual rate of \$350 per hour, plus expenses, which is my standard consulting fee, for my work in this matter. My compensation is not dependent on the outcome of this matter or on any of the opinions I provide below.

12. I have had no previous contact with Rothwell Figg or with the attorneys handling this proceeding.

13. I have had no previous contact with the inventor of the '350 patent, Trilogy, or Versata. With respect to SAP, I have worked with consultants from SAP on various client projects, attended SAP training classes at SAP in Germany and here in the U.S., and attended transportation demonstrations at SAP's headquarters.

IV. Materials Reviewed

14. In performing the analysis that is the subject of my testimony, I reviewed the '350 patent and its file history, as well as the file history of the related '400 patent, and various publically-available documents from the litigation in the U.S. District Court for the Eastern District of Texas involving the '350 patent, styled *Versata Software, Inc. v. SAP America, Inc.*, Civil Action No. 2:07-cv-153

(the district court litigation). I have also reviewed: (1) the Petition for Post-Grant Review of the '350 patent (Petition), the Declaration of Michael Siegel, Ph.D. (Siegel Dec.), and the exhibits referred to in the Siegel Dec.; (2) Patent Owner Versata's Preliminary Response; (3) the Decision – Institution of Covered Business Method Review (Institution Decision); and (4) the Transcript of the March 1, 2013 Deposition of Michael Siegel, Ph.D. and the exhibits referred to in the deposition transcript. Additionally, I have reviewed the R/3 2.2 Online Documentation CDs (SX 1017) and documents that I obtained from searching the Internet about SAP's R/3 system. All of the materials that I considered are listed in Appendix B. I have also taken into account my own knowledge of pricing, in general, and the pricing functionality of SAP's SD module in particular, gained from over 20 years of experience in the field of computerized business systems and software, including its pricing functionality.

V. The Problems Addressed By The '350 Patent

15. Sometime prior to June 1996, Mr. Carter, like many other people in the pricing industry, recognized that the pricing software available at that time, including the pricing condition technique of the SD module of SAP's R/3 system, suffered from significant performance disadvantages.

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