

IN THE UNITED STATES PATENT TRIAL AND APPEAL BOARD

In re *Post-Grant Review* of:)
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U.S. Patent No. 6,553,350) U.S. Class: 705/20
)
Issued: April 22, 2003) Group Art Unit: 3628
)
Inventor: Thomas J. CARTER III) Confirmation No. 5578
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Application No.: 09/253,427)
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Filed: February 19, 1999)
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For: METHOD AND APPARATUS) PER 37 C.F.R. § 42.6(b)
FOR PRICING PRODUCTS IN)
MULTI-LEVEL PRODUCT AND)
ORGANIZATIONAL GROUPS)

Mail Stop Patent Board (37 C.F.R. § 42.6(b)(2))
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DECLARATION OF KARIN FISCHER

I, Karin Fischer, hereby declare that:

BACKGROUND

- (1) I am over the age of 21, and I have personal knowledge of the facts contained herein unless otherwise indicated.
- (2) I am a Support Manager in the Logistics Services Department for SAP AG, Dietmar-Hopp-Allee 16, 69190 Wallforf, Germany. I have been employed at SAP AG since April 1994.
- (3) As a Support Manager, I am responsible for updating information regarding customers of certain sectors of SAP's business and ensure the integrity of customer shipment information relating to certain versions of SAP's products.

(4) As a Support Manager, I have access to information relating to materials provided to SAP customers of SAP's software products, including SAP's R/3 products available prior to June 17, 1995. The information is available through SAP's internal productive ERP system (version EHP6 For SAP ERP 6.0). The SAP internal productive ERP system is a system that provides access to, among other things, shipping information for SAP products.

(5) I am therefore familiar with the level of integrity of the data in the ERP system, which is the most authoritative source of shipping information for SAP. It is important to SAP that this data be accurate because SAP relies upon this data as part of business.

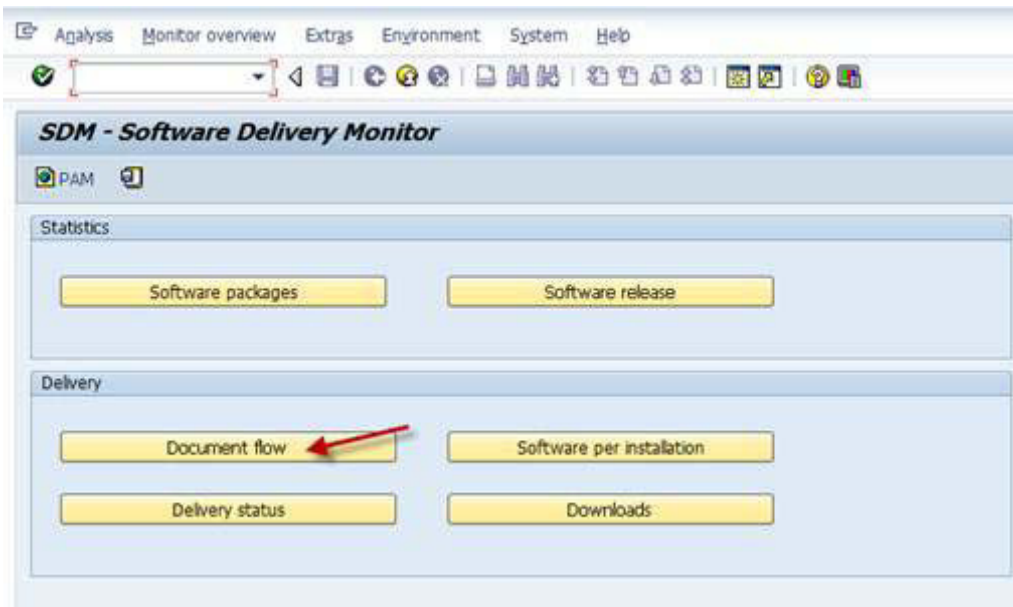
(6) I use the SAP internal productive ERP system to search for and display information relating SAP product information based on queries. I am very experienced with using the ISP part of SAP's internal productive ERP system, which provides access to shipping information for SAP products.

PUBLIC AVAILABILITY OF R/3 2.2C ONLINE DOCUMENTATION

(7) SAP's R/3, including R/3 2.2C, was publicly available to anyone who wanted to buy it. SAP maintains information relating to shipments of R/3, including R/3 2.2C, to its customers in the United States. I have access to the SAP systems that maintain that information, such as the ISP system mentioned above.

(8) I was asked to collect information and materials relating to SAP's R/3 2.2C software, which was available prior to June 17, 1995. To do so, I used the ISP system mentioned above to search for materials relating to SAP R/3 2.2C.

(9) To begin, I accessed the ISP system and used the transaction ZZAV to navigate to a Document flow option as shown in the marked up screen shot below:



(10) I entered search criteria, such as an installation number, customer, and start/end date, as shown in the screen shot below:

Program Edit Goto System Help

SDM - document flow

Extend selection

Installation

Installation number 810000288 to

Customer Ship-to party Distributor Reseller

Customer number to

Country US to

Contract to

SW pkg SWP release Expert

Software package to

Software type to

Delivery Order

Delivery number to

Bill of lading number to

Person Responsible to

Sales Organization to

Shipping Point to

Day Week Month Quarter

Goods issue date 01.01.1994 to 17.06.1995

Platform

Database to

Operating system to

Single material

Material number to

Additional data

Include CIS customer type

Read approver

Read export status

Other options

Maximum no. of hits 50.000 Number of documents

(11) In response to my searches, I received lists of SAP product shipments that can be selected by the product and the version, as shown in the exemplary screen shot below.

SWP release (mid)	Items
Name	
Installation	Name
Platform ID	Person responsible
+ IndivSubseqDelivery	6
+ SAP R/3 2.1G	1
+ SAP R/3 2.1I	1
+ SAP R/3 2.1J	1
+ SAP R/3 2.2D	1

(12) From there, I selected the package SAP R/3 2.2C to produce results according to other selections that are offered by the ISP system.

(13) Attachment A-1 shows a screen shot of one selection criteria that I used to search for all U.S. customers that SAP shipped the R/3 2.2C product to between January 1995 and May 1995 using the SAP ERP System ISP, Transaction: /nzzav, and Document Flow selection.

(14) Attachment A-2 shows a continuous screen shot of the results of the selection criteria described in the preceding paragraph that was processed by the ERP system. Attachment A-2 lists all of the U.S. customers that received SAP's R/3 2.2C product between January 1995 and May 1995. Attachment A-2 demonstrates that SAP R/3 2.2C was available to the public (such as any SAP customers who paid for it) in the United States between January 1995 and May 1995.

(15) Attachment A-3 shows a screen shot of the results of my selection of a particular member of the public who purchased R/3 2.2C based on a date selection provided by the ERP system. As shown at the top of Attachment A-3, I selected the SAP R/3 2.2C option under the January 18, 1995 ("18.01.1995") option, which displayed a listing of entities that SAP shipped the R/3 2.2C product during that date. Attachment A-3 also shows the delivery information of SAP's shipment of R/3 2.2C to customer Wacker Silicones Corporation in the United States (Lancaster, Pennsylvania) on January 18, 1995 (see "WA-Datum"), based on the delivery

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