SYSTEMS, INC., ORBITZ, LLC,   §
OPENTABLE, INC., PAPA JOHN'S USA,   §   Covered Business Method Patent Review
INC., STUBHUB, INC., TICKETMASTER,   §   No.:
LLC, TRAVELOCITY.COM LP,   §
WANDERSPOT LLC, AGILYSYS, INC.,   §
APPLE INC., BEST WESTERN   §
INTERNATIONAL, INC., DOMINO'S   §
PIZZA, INC., DOMINO'S PIZZA LLC,   §
EVENTBRITE, INC., GRUBHUB, INC.,   §
HILTON INTERNATIONAL CO., HILTON   §
RESORTS CORPORATION, HILTON   §
WORLDWIDE, INC., HYATT   §
CORPORATION, MARRIOTT   §
INTERNATIONAL, INC., MOBO
SYSTEMS, INC., ORBITZ, LLC,
ORDR.IN, INC., PIZZA HUT OF
AMERICA, INC., PIZZA HUT, INC.,
SEAMLESS NORTH AMERICA, LLC,
STARBUCKS CORPORATION, AND
STARWOOD HOTELS & RESORTS
WORLDWIDE, INC.

     Petitioners,

v.

AMERANTH, INC.,

     Patent Owner.

EXPERT DECLARATION OF DR. RAY R. LARSON
IN SUPPORT OF PETITIONS FOR POST-GRANT REVIEW

I, Dr. Ray R. Larson, declare as follows:

I.   BACKGROUND AND QUALIFICATIONS

1.   My name is Ray R. Larson. I am a citizen of the United States and am over 18

years of age. I have personal knowledge of the matters stated in this Declaration and, if called as

on Geographic Information Retrieval, Cross-Language Information Retrieval and Structured (XML) retrieval using probabilistic methods.

3.	I received my Ph.D. in Library and Information Studies from UC Berkeley in 1986. My background includes work as a programmer/analyst with the University of California Division of Library Automation (DLA) where I was involved in the design, development, and performance evaluation of the UC public access online union catalog (MELVYL).

4.	My research has concentrated on the design and evaluation of information retrieval systems, with an emphasis on digital libraries. I currently teach courses on the design and evaluation of information systems, including IS202 "Information Organization and Retrieval," IS257 "Database Management," IS240 "Principles of Information Retrieval," and IS245 "Organization of Information in Collections."

5.	Additional details regarding my qualifications, education, and experience are described in my Curriculum Vitae, which is attached as Exhibit A.

6.	I understand that at least Expedia, Inc., Fandango, Inc., Hotel Tonight Inc., Hotwire, Inc., Hotels.com, L.P., Kayak Software Corp., Live Nation Entertainment, Inc., Micros Systems, Inc., Orbitz, LLC, OpenTable, Inc., Papa John's USA, Inc., StubHub, Inc., Ticketmaster, LLC, Travelocity.com LP, and Wanderspot LLC (collectively, "Petitioners") are filing petitions for post-grant review of U.S. Patent Nos. 6,384,850 ("'850 Patent"), 6,871,325 ("'325 Patent"), 6,982,733 ("'733 Patent"), and/or 8,146,077 ("'077 Patent").

7.	I have been retained by Petitioners for their petitions for post-grant review and

financial interest in the outcome of this case.

9. I have been asked to review the '850, '325, and '733 Patents and their prosecution histories.

10. In my opinion, a person of ordinary skill in the art to which the patents pertain would have a Bachelor's degree in either electrical engineering or computer science and two years of experience developing software for wireless networks and devices.

II. TERMINOLOGY

11. The phrase "application software for generating a second menu from said first menu and transmitting said second menu to a wireless handheld computing device or Web page" is found in Claim 1 of the '850 Patent, Claims 1, 7, 8, and 9 of the '325 Patent, and Claim 1 of the '733 Patent. I have reviewed the patent specification and prosecution histories, and I find no suggestion of "application software for . . . transmitting said second menu to a . . . Web page." Indeed, because a web page is document, the phrase "transmitting a second menu to a Web page" is nonsensical, particularly given that the term transmitting presumably has its ordinary meaning given that the claimed application software is for transmitting both to a wireless handheld computing device and to a Web page.

12. Based on my review of the patents' specification, the patentee did not expressly define the term "web page." Instead, the patents' specification suggests an ordinary and customary meaning of this term. For example, the '850 Patent's Summary of the Invention states that "[t]he menu generation approach of the present invention has many advantages over

13.   The ordinary and customary meaning of a "web page" is "[a] document on the World Wide Web." MICROSOFT® PRESS COMPUTER DICTIONARY 479 (4th ed. 1999). A copy of the relevant pages from the MICROSOFT® PRESS COMPUTER DICTIONARY is attached as Exhibit B. This meaning is consistent with the patents' specification and prosecution histories. For example, the specification uses the term "Web" in accord with its ordinary meaning – the "world wide web." '850 Patent at 2:8-19. Thus, the phrase "world wide web" is an adjective that modifies the word "page," which is simply a document. Similarly, in response to an office action, it was argued that a prior art reference "describes the dynamic creation of menu web pages that are customized to a customer's request." Exhibit C, '850 Patent 2/26/2001 Amendment at 6-7. This too is consistent with a "web page" being a document. Finally, with respect to the claims themselves, the ordinary and customary meaning of "web page" is consistent with the "information entered on at least one web page" recited in claim 14 of the '850 Patent.

14.   A "web server," which is also called a HTTP server, is "[s]erver software that uses HTTP to serve up HTML documents and any associated files and scripts when requested by a client, such as a Web browser." MICROSOFT® PRESS COMPUTER DICTIONARY 224. HTTP stands for Hypertext Transfer Protocol, which is "the protocol used to carry requests from a browser to a Web server and to transport pages from Web servers back to the requesting browser." MICROSOFT® PRESS COMPUTER DICTIONARY 223.

15.   A "web browser" is "[s]oftware that lets a user view HTML documents and

17.   A "web page" is neither software nor a computer. Moreover, a web page is a document, not a device. Thus, a "web page" is not a web server, web browser, client, or some combination thereof. This meaning is consistent with the specification's separate use of each of these terms.

18.   Claim language confirms that a "web page" is not a "web server." The use of "web server" and "web page" in Claim 12 of the '850 Patent is an indication that "web page" and "web server" are not synonymous. Likewise, the use of "web server" and "web page" in Claim 11 of the '325 Patent is an indication that "web page" and "web server" are not synonymous.

III.   CONCLUSIONS

19.   In light of the ordinary and customary meaning of "web page," it is my opinion that the claim language "transmitting said second menu to a . . . Web page" is nonsensical to a person of ordinary skill in the art, and one of ordinary skill in the art could not understand the scope of this language. It does not make sense to refer to transmitting a menu to a web page, which is a document. For example, the teaching in the specification that changes on a wireless handheld device would be "reflected" on a "backoffice server, web pages and the other handheld devices" ('850 Patent, 2:29-32; '325 Patent, 11:52-55; '733 Patent, 5:32-34) is not helpful at least because the passage does not address "transmitting" or a "menu."

20.   Further confirming my opinion is the patent specification's discussion of transmitting to a web server. That is, the patent specification discusses transmitting to a server,

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