

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HEWLETT-PACKARD COMPANY,
Petitioner

v.

YYZ, LLC,
Patent Owner

CBM No. Unassigned

U.S. PATENT NO. 7,062,749

DECLARATION OF CHANE CULLENS

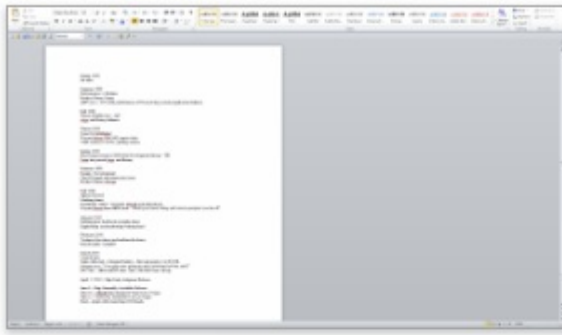
I, Chane Cullens, do hereby declare that:

1. The information set forth in this declaration is based on my personal knowledge and recollection.
2. I am currently employed as Product Manager by Hewlett-Packard Company (“HP”) in Sandy Hook, Connecticut. I have been employed by HP since 2007.
3. From 1999 to 2002 I was President of Bristol Technology, Inc. (“Bristol”). From 2002 to 2007 I was Senior Vice President of Technology at Bristol. Bristol was acquired by HP in or around 2007.
4. Bristol was a software development company that developed and sold a number of different software products. One of the software products developed and sold by Bristol was called eSleuth.
5. As President of Bristol, I was ultimately responsible for managing the development, marketing, and sale of Bristol’s software products, including Bristol’s eSleuth software product.
6. Bristol offered Version 1.0 of Bristol’s eSleuth software (“eSleuth 1.0”) for sale to Morgan Stanley and others, such as IBM, beginning in March of 2000. Bristol offered for sale and distributed eSleuth 1.0 software to other customers beginning in April 2000 as part of an early adoption release.
7. I maintain a digital archive that contains some information and documents from my time at Bristol. In 2014, I personally searched my archive for documents

related to eSleuth and identified a number of files that are discussed herein.

8. Exhibit 1004 is a printed copy of a file named “eSleuth History.doc” from my digital archive of material from my time at Bristol. I am the author of Exhibit 1004.

9. I authored the document identified as Exhibit 1004 on or about March 5, 2000. I drafted this document as part of my preparation for presenting Bristol’s eSleuth software at the IBM MQSeries Conference in Las Vegas in June 2000. I wrote this document to summarize, for my own use, the history of Bristol’s development of the eSleuth software so that I could speak about Bristol’s development of eSleuth at the conference. The document properties for the original file represented in Exhibit 1004 contain a DOCUMENT CREATED date of 3/5/2000 and a LAST MODIFIED date of 3/5/2000. A partial screenshot showing these document properties is presented below:



Properties ▾

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Total Editing Time 83 Minutes
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Related Dates

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10. Bristol began developing the eSleuth product in 1998. In 1998 and early 1999, eSleuth software was referred to as “Sonar.” Beginning sometime in the summer of 1999, eSleuth software was referred to as “eScope.” By the fall of 1999 Bristol began using the name “eSleuth” to refer to this software, and used the name eSleuth when the product was first distributed to customers in 2000.

11. I personally participated in several visits to potential customer sites, during

at least the first half of 2000, for the purpose of marketing and demonstrating the functionality of the eSleuth 1.0 product and for the purpose of lining up future sales of the product. During these visits, I was accompanied by one or more sales representatives from Bristol and we demonstrated the functionality of the eSleuth software on a Bristol laptop computer, connected to a projector.

12. I do not recall the names of all of the customer locations I visited in the first half of 2000 to present eSleuth. I do recall visiting the office of Morgan Stanley in New York City in the first quarter of 2000 and demonstrating the functionality of eSleuth at this meeting. As reflected in Exhibit 1004, Morgan Stanley was also one of the first customers to whom Bristol delivered a sales quote for eSleuth 1.0. While I did not participate in every visit made by Bristol to potential customers during this time period, other Bristol employees made similar visits to other potential customers during the first half of 2000.

13. In the first quarter of 2000, Bristol created eSleuth demonstration discs for distribution to potential customers. These discs contained a copy of a technical paper, along with demonstration video files, to help explain the features of the eSleuth 1.0 product. As part of our marketing efforts for eSleuth, Bristol provided copies of these eSleuth demonstration discs to the potential customers we visited on sales calls during the first half of 2000. Bristol also made the demonstration discs available to potential customers upon request. The discs (and the materials contained on the disc) were provided without any confidentiality restrictions on use of the information about

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