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HILTON WORLDWIDE, INC., HILTON INTERNATIONAL CO., MOBO
SYSTEMS, INC., PIZZA HUT OF AMERICA, INC., PIZZA HUT, INC.,
and USABLENET, INC.,
Petitioner

v.

AMERANTH, INC.,

Patent Owner.

Case CBM CBM2015-00080, CBM2015-00082¹
Patent Nos. 6,384,850, 6,871,325

Supplemental Declaration of Don Turnbull, Ph.D.

¹ CBM2015-00096 and CBM2015-00097 have been consolidated with CBM2015-00080 and CBM2015-00082, respectively.

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I, Don Turnbull, do hereby declare:

1. I am making this declaration at the request of the Petitioners in Covered Business Method Reviews of U.S. Patent Nos. 6,384,850 (the “’850 patent”) and 6,871,325 (the “’325 patent”) (collectively, the “Ameranth Patents”), CBM2015-00080, CBM2015-00082, CBM2015-00096 and CBM2015-00097.

2. My compensation, qualifications, and professional experience are set forth in the declaration I submitted along with the petitions in these proceedings (my “Original Declaration”), along with an overview of the background of the background of the ’850 and ’325 patents, my understanding of the applicable legal principles and a description of the state of the art at the filing date of the patents. My Original Declaration also sets forth my analysis and opinions regarding the invalidity of claims 12-15 of the ’850 patent and claims 11, 13 and 15 of the ’325 patent (“Challenged Claims”), including my opinions and the bases for my opinions that the Challenged Claims are obvious in view of U.S. Patent No. 5,984,040 to DeLorme, et. al. (“DeLorme”), as well as the materials I reviewed in forming these opinions.

3. I have additionally reviewed Patent Owner’s Responses in CBM2015-00080 (“’850 POR”) and in CBM2015-00082 (“’325 POR”), the declaration and deposition transcript of Patent Owner’s expert, Dr. Alfred Weaver, and the Board’s

institution decisions. I have been asked by counsel for Petitioner to respond to certain arguments raised by Patent Owner and Dr. Weaver.

4. Based upon my review of the Patent Owner's responses, Dr. Weaver's opinions, and the Board's institution decisions, it remains my opinion that the Challenged Claims are invalid as obvious in view of U.S. Patent No. 5,948,040 to DeLorme et al. ("DeLorme").

I. Analysis of Patent Owner's Responses Regarding Patentability of the '850 and '325 Patents

A. DeLorme discloses "wherein the applications and data are synchronized between the central database, at least one wireless handheld computing device, at least one web server and at least one web page"

5. Patent Owner appears to contend that DeLorme fails to disclose this limitation because applications cannot be synchronized by synchronizing the data used by those applications. For example, Patent Owner's Responses state "one of the fundamental aspects of the claims, i.e., that **both** the 'application' and the 'data' are synchronized, not merely the 'data.'" '850 POR at 14 n.9; '325 POR at 17 n.13. I disagree for the following reasons.

6. In my opinion, a person of ordinary skill in the art ("POSITA") would understand that one way in which hospitality applications can be synchronized is by synchronizing the data used by those applications. This understanding is

consistent with the use of the phrase in both the Challenged Claims and in the patent specification.

7. First, the language of the Challenged Claims indicates that one way to synchronize applications is by synchronizing the data used by those applications.

For example, claim 16 of the '850 patent depends from claim 12 and recites:

16. The information management and synchronous communications system of claim 12 wherein the *applications and data are* synchronized *by digital data transmission* between the central database, at least one wireless handheld computing device, at least one Web Server and at least one Web page.

8. The additional limitation of claim 16 modifies the claim 12 limitation “wherein the applications and data are synchronized...,” and recites a particular means for performing the synchronization of applications and data. Specifically, claim 16 recites that the *applications and data* are synchronized by digital data transmission between the four recited components. Thus, a POSITA would understand that one way to synchronize applications (as well as data) would be through the transmission of data.

9. Second, the description of synchronization in the patent specification confirms that hospitality applications in the central database, wireless handheld

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