

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner

v.

ECOFACITOR, INC.,
Patent Owner

IPR2022-00538
Patent No. 9,194,597

**DECLARATION OF JOHN A. PALMER, Ph.D.
PURSUANT TO 37 C.F.R. § 1.68**

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Exhibits

Exhibit No.	Description
2001	<i>Google, LLC f/k/a Google Inc. v. EcoFactor, Inc.</i> , 4-21-cv-03220 (N.D. Cal. April 30, 2021), Dkt. 1 (Complaint)
2002	<i>Google, LLC f/k/a Google Inc. v. EcoFactor, Inc.</i> , 4-21-cv-03220 (N.D. Cal. Aug. 3, 2021), Dkt. 30 (Joint Case Management Statement)
2003	<i>Google, LLC f/k/a Google Inc. v. EcoFactor, Inc.</i> , 4-21-cv-03220 (N.D. Cal. April 7, 2022), Dkt. 72 (Amended Scheduling Order)
2004	<i>Google, LLC f/k/a Google Inc. v. EcoFactor, Inc.</i> , 4-21-cv-03220 (N.D. Cal. April 13, 2022), Dkt. 73 (Amended Scheduling Order)
2005	Google's Oct. 19, 2021, Invalidation Contentions in <i>Google, LLC f/k/a Google Inc. v. EcoFactor, Inc.</i> , 4-21-cv-03220 (N.D. Cal.)
2006	"Silicon Valley's Home Court: Patent Trends in the Northern District of California." White & Case Newsflash (Mar. 18, 2020).
2007	U.S. Patent No. 10,018,371
2008	Expert Declaration of John A. Palmer
2009	Curriculum Vitae of John A. Palmer
2010	April 6, 2021, Deposition Transcripts of Mr. Rajenda Shah, IPR2021-01218.
2011	337-TA-1258 International Trade Commission Investigation, Order No. 18 - Construing the Terms of the Asserted Claims
2012	October 10, 2022, Deposition Transcripts of Mr. Rajenda Shah, IPR2022-00538.
2013	October 13, 2022, Deposition Transcripts of Mr. Rajenda Shah, IPR2022-00473.

I. BACKGROUND

1. I have been retained as an expert in this case by EcoFactor, Inc. (“EcoFactor”). I have been asked to consider and opine on issues of validity regarding U.S. Patent No. 9,194,597 (“‘597 Patent”). More specifically, my opinions disclosed herein focus on the Petition for *Inter Partes* Review (“IPR”) on the ‘597 Patent, along with the expert declaration of Rajendra Shah and all other materials referenced or cited in the IPR or Mr. Shah’s declaration.

2. In forming my opinions, I have reviewed, considered, and had access to the patent specifications and claims, its prosecution history, the proposed claim constructions, the Petition, the Shah declaration, and documents cited in the Petition and the Shah declaration, as well as the transcripts from the deposition of Mr. Shah. I have also relied on my professional and academic experience. I reserve the right to consider additional materials as I become aware of them and to revise my opinions accordingly.

II. QUALIFICATIONS

3. My qualifications for forming the opinions set forth in this Declaration are summarized here and explained in more detail in my curriculum vitae, which is attached as Exhibit 2009.

4. As indicated therein, I have a Bachelor of Science degree in Electrical Engineering with a power option from Brigham Young University (1991), and Masters

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