

Federal Rule of Evidence 408 Settlement Communication

The RealReal is the leader in authenticated luxury consignment and makes luxury consignment easy with free white glove pick-up in 16 U.S. cities, or free shipping via FedEx. Free pack and ship services are also available at no charge through FedEx Office Retail Centers. Consignors receive 60% of the sale price to start, and elevate to 70% when they reach \$7,500 in annual sales.

The patented technologies used by The RealReal is directed to its email notification system triggering messages when a package leaves from the NY Tri-State Area or Northern California warehouses. Shipments leaving from one of two warehouses headed to customer delivery addresses trigger/activate tracking notification emails (when packages are shipped).

***“The RealReal ships via Fedex from warehouses in the NY Tri-State Area and Northern California to street addresses in the U.S, and to many international destinations.*”**

PACKAGE TRACKING

We will send an email notification including tracking information when your package has shipped. You can also view the status of your order and obtain tracking information in My Purchases.”

We expect that, upon review of the provided patent claim charts, you will acknowledge that The RealReal practices the invention disclosed in the '060, '359 and '970 patent and will commence licensing discussions. In the event The RealReal concludes that it does not desire a license to the '060, '359 and '970 patent, we expect to receive from you within thirty (5) business days responsive claim charts showing why The RealReal does not infringe the patent, along with copies of the system documentation, manuals and any other materials that describe the components and functionality of the The RealReal system, including those materials you reviewed in the course of your investigation.

The Systems and Methods at Issue

U.S. Patent No. 6,317,060

Claim 19	The RealReal Shipment Notification System
<p>U.S. Patent No. 6,317,060 – Claim 19.</p> <p>A method for notifying users of impending arrivals of vehicles at particular locations, comprising the steps of:</p>	<p>The RealReal provides customers with a computer-based notification system in connection with their shipment and delivery/s.</p> <p>The RealReal Email Notifications are shipment notification emails providing updated status notifications (emails) about the customers order, more particularly the shipment and impending arrival of their package.</p> <p>During signup or at the time of placing the order, each customer enters their delivery address (where the shipment will be delivered) and also selects the shipping method / time-for-transit, once the shipment is on-its-way.</p> <p><i>“Your order is now on its way to you.”</i></p> <p>Also worth noting, the Shipment Notification occurs BEFORE the supplied FedEx tracking numbers that normally take an additional 24 hours to be available for tracking on the respective carrier tracking system. While the package has shipped and email shipment notifications occur, additional tracking on the delivery status has not been registered or made-available until the following business day. The RealReal email notification system is not owned or operated by FedEx or any other courier company.</p> <p>From: <u>customerservice@therealreal.com</u> Date: [REDACTED] To: <u>RealRealCustomer@yahoo.com</u> Subject: Your RealReal order has shipped</p>

<p>storing data associated with a plurality of vehicles;</p>	<p>The '060 patent describes vehicles and shipments anonymously (packages can't move without transit) and storing data associated with the vehicles / packages as they start their move toward a final destination:</p>
<p>selecting portions of said data that are associated with notification events expected to occur during a particular time period;</p>	<p>The RealReal shipment notification system monitors notification events expected to occur from shipments leaving that day (time period);</p>
<p>analyzing said selected portions of said data during said particular time period;</p>	<p>Packages ready for shipment, their contact information such as email addresses and the items collectively ordered (if more than one) are analyzed during a time period / day.</p>
<p>disregarding other portions of said data during said particular time period;</p>	<p>Other information is disregarded (delivery address, customer number, tracking number, scans for fulfillment – out of inventory – ready for shipping.</p>

determining when at least one of said notification events should occur based on said analyzing step; and

The RealReal shipment notification system determines when one or more notification events should occur based on analyzing what packages are cleared from inventory and or ready for pickup.

transmitting a notification message in response to said determining step.

Emails are sent to The RealReal customers based on determining when a shipment will occur (i.e. the shipment is in route to the delivery address and it about to (within a given time period) be loaded onto a vehicle).

The RealReal

AUTHENTICATED LUXURY CONSIGNMENT

[WOMEN](#)

[MEN](#)

[FINE
JEWELRY &
WATCHES](#)

[ART](#)

[REDACTED]

Your order is now on its way to you.

Your order number is [REDACTED]

Your tracking number is [REDACTED]

To track the progress of your package through Fedex, click [here](#).

***Please Note: Tracking numbers normally take approximately 24 hours to be available for tracking on the respective carrier tracking system. While the package has shipped, there will be no available information on its delivery status until the following business day.**

For information about [TheRealReal.com](#) shipping and return policies, please visit [www.TheRealReal.com](#).

For any other questions, feel free to contact us at any time.

Sincerely,

Customer Service

[therealreal.com](#)
(855) 435-5893
customerservice@therealreal.com



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