

Filed on behalf of ABB, Inc.

By: Richard D. Mc Leod (Reg. No. 46,921)
rick.mcleod@klarquist.com
Michael D. Jones (Reg. No. 41,879)
michael.jones@klarquist.com
Klarquist Sparkman LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABB INC.
Petitioner

v.

ROY-G-BIV CORPORATION
Patent Owner

Case IPR2013-00062
Patent 6,516,236

DECLARATION OF JAMES S. ALEX

ABB v ROY-G-BIV
TRIAL IPR2013-00062
TRIAL IPR2013-00282
ABB - EXHIBIT 1146

I, JAMES S. ALEX, hereby declare and state as follows:

1. I am counsel for petitioner ABB Inc. in the related district court proceeding, *ROY-G-BIV Corporation v. ABB Inc., MEADWESTVACO TEXAS, LP AND MEADWESTVACO CORPORATION*, Case No. 6:11-cv-00622 (E.D. Tex, filed November 15, 2011).

2. I make this declaration in support of petitioner ABB Inc.'s opposition to patent owner ROY-G-BIV ("RGB")'s motion to submit supplemental evidence. I am familiar with the facts set forth in this declaration.

3. I searched for Marc McClung using an internet browser. It was a simple matter and it took me approximately 10 minutes to locate him. To find Marc McClung's contact information, I searched for him using Google Search, and was able to locate him on his current employer's website.

4. Marc McClung was no longer an employee of Parker Hannifin when I searched for him.

5. The website for his employer is www.dragnetsolutions.com, and the company's contact information is included in the website.

6. On February 11, 2014 I called the phone number listed on Dragnet Solutions Inc.'s website, and was able to reach Marc McClung.

7. After an introduction, Marc McClung briefly spoke with me regarding the circa 1994 collaboration effort between RGB and Compumotor regarding a specification for a WOSA motion control API/SPI specification (the “Collaboration”), and he was able recall the Collaboration with reasonable accuracy.

8. On February 17, 2014, I called Marc McClung again to ask whether he would have an informal telephone conversation regarding the Collaboration, and he agreed.

9. During a later phone call also on February 17, 2014, Marc McClung elaborated on his involvement in the Collaboration, and agreed to have a more detailed informal discussion with counsel for ABB Inc. regarding the Collaboration.

10. On February 25, 2014, I spoke with Marc McClung again on the telephone, and he agreed to have an informal discussion with counsel for ABB Inc. on Tuesday March 11, 2014 regarding the Collaboration.

11. Also during the February 25 discussion, Marc McClung agreed to receive a subpoena for a deposition and document production. The deposition was noticed for March 14, 2014, and was not drawn to the informal discussion to take place on March 11, 2014.

12. Also during the February 25 discussion, Marc McClung indicated to me that he did not have any documents relevant to the Collaboration, and that any of his work emails from that time frame would be in Parker's possession.

13. On March 11, 2014, ABB Inc.'s counsel, including myself, Jeremy Dutra, and Rob Nupp, called Marc McClung for an informal discussion regarding the Collaboration. This phone call lasted approximately three hours.

14. ABB Inc. did not at any time retain Mr. McClung as a consultant and did not compensate Mr. McClung for his time spent engaged in informal conversations.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: March 26, 2014


James S. Alex