

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ARTSANA USA, INC.  
Petitioner

v.

KOLCRAFT ENTERPRISES, INC.  
Patent Owner

Patent No. 8,388,501  
Issue Date: March 5, 2013  
Filed: August 20, 2012

Title: PLAY GYMS AND METHODS OF OPERATING THE SAME

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Case No. IPR: \_\_\_\_\_

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**AFFIDAVIT OF JEROME J. DROBINSKI**

I, Jerome J. Drobinski, being sworn, hereby state as follows:

**I. Introduction**

1. I am a U.S. citizen, over the age of eighteen (18), a resident of Arizona, and competent to testify regarding the matters in this Affidavit.

2. I was retained as an expert witness in this proceeding on behalf of the Petitioner, Artsana USA, Inc. (“Artsana”).

3. I am being compensated at the rate of \$250 per hour. I have no interest in the outcome of this proceeding.

**II. My Background and Qualifications**

4. I have been working in the juvenile products industry for more than twenty-seven (27) years.

5. I received a Bachelor of Science Degree from Newark College of Engineering – New Jersey Institute of Technology (NJIT) in 1965.

6. I received a Master’s Degree in Mechanical/Management Engineering from Newark College of Engineering – NJIT in 1973.

7. I have been the President of Global Development and Sourcing, Inc. since 1994. My responsibilities as President include providing consulting services to U.S. and international juvenile and toy products manufacturers with respect to sourcing of product, product design, engineering, and business development.

8. I have been a Principal Consultant at Revmark, LLC since 1994. My responsibilities as a Principal Consultant include product design analysis and critique, product design for manufacture analysis, safety analysis, product specification and instruction sheet preparation, product sourcing, product corrective action and design, implementation and execution, and consumer product registration card data entry and management.

9. I was employed by Graco Children's Products from 1985-1994 in the positions of Vice-President and General Manager of a manufacturing facility in Bangkok, Thailand, which principally made play yards and strollers (1992-1994); Vice-President, Product Development (1987-1992); and, General Manager, West Coast Operations (1985-1987). As Vice-President, Product Development, I managed the development and execution of all new products and product modifications, which included the design and development of Graco's top selling Pack 'N Play® play yards.

10. I am a named inventor on multiple U.S. patents with at least six being directed to play yards and play yard accessories and the remaining patents being directed to bassinets, cribs, bedside sleepers, convertible child beds, changing tables, strollers, and infant swings.

11. I am an active member of the American Society of Testing and Materials (ASTM), and participate in the ASTM Consumer and Juvenile Products

and ASTM Certification Committees. I recently served as Chairman of the ASTM Commercial Cribs Committee and currently chair the Co-Sleeper Subcommittees. I am a past ASTM Chairman of the Stroller and Carriage Subcommittee, Soft/Frame Infant Carrier Subcommittee, and Ad Hoc Committee on Standards Uniformity.

12. Through education and industry involvement, I accumulated significant training and experience and consider myself to be an expert in the arts relevant to the '501 patent.

13. I am qualified to provide my opinions as to what a person of ordinary skill in the art would have known, understood, or concluded as of May 2003.

14. My current *curriculum vitae* is provided as **Exhibit 1011**.

### III. List of Documents I Considered in Formulating My Opinions

15. In formulating my opinions, I considered the following documents:

<b>Ex. No.</b>	<b>Document</b>
1001	U.S. Patent No. 8,388,501 to Myers et al. ("the '501 Patent")
1003	U.S. Patent No. 3,223,098 to Dole ("Dole")
1004	Graco Pack 'N Play Model No. 386-11-01 Owner's Manual (© 2001) ("Graco")
1005	Century Fold-n-Go Care Center Manual (January 1998) ("Century")
1006	U.S. Patent No. 2,948,287 to Rupert ("Rupert")
1007- pg. 22	Exhibit 2, Answer to Complaint, Tyco Industries, Inc. v. Tiny Love, LTD, 914 F. Supp. 1068 (1996) (No. 95-1135)

1008- pg. 6,7,8	Affidavit of Ronald Brawer, Tyco Industries, Inc. v. Tiny Love, LTD, 914 F. Supp. 1068 (1996) (No. 95-1135)
1009- pgs. 24, 39-41	Exhibits 4, 12-14, Declaration of Denny Conley, Tyco Industries, Inc. v. Tiny Love, LTD, 914 F. Supp. 1068 (1996) (No. 95-1135)

#### **IV. The Person of Ordinary Skill in the Art**

16. I understand that a person of ordinary skill in the art is one who is presumed to be aware of all pertinent art, thinks along conventional wisdom in the art, and possesses ordinary creativity.

17. A person of ordinary skill in the art would have at least an associate degree and 2 years of industry experience designing juvenile products, or the equivalent thereof in education and industry experience. One of ordinary skill in the art would have substantial familiarity with competitor designs and industry developments.

#### **V. U.S. Patent No. 8,388,501**

18. I understand that the '501 patent issued on March 5, 2013 from U.S. Application No. 13/589,777 ("the '777 application"), filed on August 20, 2012, on behalf of Peter J. Myers and Joseph Paul Sejnowski. The '777 application is identified as a continuation of U.S. Application No. 12/062,670, filed on April 4, 2008, now U.S. Patent No. 8,257,229, which is a continuation of U.S. Application

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