

DECLARATION OF PATRICK E. FOLEY
IN SUPPORT OF PETITION FOR INTER PARTES REVIEW
OF U.S. PATENT NO. 6,968,884 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NORMAN INTERNATIONAL, INC.

Petitioner

v.

HUNTER DOUGLAS, INC.

Patent Owner

CASE: To Be Assigned

Patent No. 6,968,884 B2

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I. INTRODUCTION

1. My name is Patrick E. Foley. A mechanical engineer by training and by profession, I am an Engineering Manager with Blount International, Inc., a global manufacturer and marketer of replacement parts, equipment, and accessories for various applications and industries including forestry, farm, and agriculture. The business of Blount International, Inc. is outside of technologies for window blinds and coverings. I am submitting this declaration as an independent consultant.

2. I have been engaged by Norman International, Inc. (“Norman”) to investigate and opine on certain issues relating to U.S. Patent No. 6,968,884 B2 entitled “MODULAR TRANSPORT SYSTEM FOR COVERINGS FOR ARCHITECTURAL OPENINGS” (“884 Patent”) and three other patents, U.S. Patent Nos. 6,283,192 B1, 6,648,050 B1, and 8,230,896 B2. I understand those four patents are being asserted against Norman and other entities in an on-going patent infringement lawsuit brought by Hunter Douglas, Inc. in Hunter Douglas, Inc. et al. v. Nien Made Enterprise Co., Ltd. et al., Case No. 1:13-cv-01412-MSK-MJW filed in the U.S. District Court of Colorado on May 31, 2013.

3. In this declaration, I will discuss the technology related to the 884 Patent, including an overview of that technology as it was known by March 23,

1999, which I understand is the earliest filing date to which the 884 Patent may claim priority.

4. This declaration is based on the information currently available to me. To the extent that additional information becomes available, I reserve the right to supplement my opinions following further investigation and study, which may include a review of documents and information that may be produced, as well as testimony from depositions that may not yet be taken.

II. SUMMARY OF OPINIONS

5. The 884 Patent describes technology related to window covers, specifically including spring motors and brakes involving basic mechanical design components. I understand Norman is requesting that the Patent Office review the patentability of Claims 5-7 of the 884 Patent and cancel those claims in light of prior art.

6. I was asked by Norman's counsel to analyze the following prior art references:

- Japanese Unexamined Patent Application Publication S54-38648 to Tachikawa ("Tachikawa");
- U.S. Patent No. 3,327,765 to Strahm ("Strahm");
- British Patent No. 1,174,127 to Skidmore ("Skidmore");
- U.S. Patent No. 1,870,532 to Schuetz ("Schuetz");

- U.S. Patent No. 2,390,826 to Cohn (“Cohn”);
- U.S. Patent No. 6,056,036 to Todd et al. (“Todd”); and
- U.S. Patent No. 6,293,329 to Toti (“Toti”).

7. I understand that copies of the Tachikawa, Strahm, Skidmore, Schuetz, Cohn, Todd, and Toti prior art references are attached as Exhibits 1002-1008 to a petition by Norman for *inter partes* review of the 884 Patent.

8. Based on my review of the evidence and facts, it is my opinion that Tachikawa, Strahm, Skidmore, Schuetz, Cohn, Todd, and Toti are in the same field of endeavor as the claimed subject matter in the 884 Patent. It is also my opinion that a person having ordinary skill in the art at the time of the earliest possible priority date of the claimed subject matter in the 884 Patent—March 23, 1999—would have had reasons and motivations to combine these prior art references. These references disclose well-known elements in the art that are closely related to common technical features in window blinds and thus could be combined, in the eyes of a person having ordinary skill in the art of window blinds and coverings, to yield predictable results.

9. I understand that another expert, Professor Lawrence Carlson, has determined that the claimed combination in each of Claims 5-7 of the 884 Patent contain nothing novel or inventive and that those claims are unpatentable and

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