

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NORMAN INTERNATIONAL, INC.  
Petitioner

v.

HUNTER DOUGLAS, INC.  
Patent Owner

Case No. IPR2014-01175  
U.S. Patent No. 6,968,884

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**DECLARATION OF MR. FREDRICK L. WHITMER IN SUPPORT OF  
MOTION FOR *PRO HAC VICE* ADMISSION**

I, Fredrick L. Whitmer, am over eighteen years of age and would be competent to testify as to the matters set forth herein if called upon to do so.

1. I am a member in good standing of the state bars of New York and New Jersey, as well as the following Federal Courts:
  - a. U.S. Supreme Court;
  - b. U.S. Court of Appeals for the Second Circuit;
  - c. U.S. Court of Appeals for the Third Circuit;
  - d. U.S. Court of Appeals for the Fourth Circuit;
  - e. U.S. Court of Appeals for the Seventh Circuit; and
  - f. U.S. Court of Appeals for the Tenth Circuit.
2. I have not been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. No sanction or contempt citation has been imposed against me by any court or administrative body.
5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.

6. I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
7. I am familiar with the subject matter at issue in the proceeding. I am counsel for Hunter Douglas Inc. in a co-pending legislation, *Hunter Douglas, Inc. et al. v. Nien Made Enterprise Co. Ltd. et al.*, No. 1:13-cv-01412-MSK-MJW (D. Colo.) in which U.S. Patent No. 6,968,884 is currently asserted against Petitioner Norman International, Inc. In the co-pending litigation, I have reviewed prior art, developed validity arguments, developed claim construction arguments, filed and responded to motions regarding personal jurisdiction, stay, and scheduling. I therefore have an established familiarity with the subject matter at issue in this proceeding, including the prior art on which Petitioner relies in its request.
8. I am an experienced litigation attorney, with experience in numerous litigations involving patent infringement and validity in District Courts across the country, including experience in jury and bench trials, *Markman* hearings, and Federal Circuit oral arguments in patent infringement litigation. My biography is attached hereto as Attachment A.

9. I previously applied for, and was granted, *pro hac vice* admission to appear before the Patent Trial and Appeal Board in IPR2014-00283 on behalf of Patent Owner Andrew J. Toti Testamentary Trust and its exclusive licensee, Hunter Douglas Inc. *See* IPR2014-00283, Papers 24 and 28.

I declare under penalty of perjury that the foregoing Declaration is true and correct.

September 24, 2015

*s/Fredrick L. Whitmer*

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# Attachment A

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