

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

J SQUARED, INC. d/b/a UNIVERSITY LOFT COMPANY

Petitioner

v.

SAUDER MANUFACTURING COMPANY

Patent Owner

Case IPR2015-00958

Patent No. 8,585,136

CHAIR WITH COUPLING
COMPANION STOOL BASE

**PATENT OWNER'S
MANDATORY INITIAL DISCLOSURE**

Patent Owner's Mandatory Initial Disclosure

1. Under § 42.51(a)(1), Patent Owner identifies the following individuals likely to have discoverable information pertaining to claim construction, the development and characteristics of the patented invention, the prior art identified by the Petitioner, whether or not used by the Board in the issues adopted for trial, and the issues of anticipation and obviousness raised by Petitioner and adopted by the Board.

- (a) Phillip Bontrager
- (b) Anthony Warncke
- (c) Jeffrey Jameson
- (d) Thomas Hagerty
- (e) Benjamin Beck
- (f) Dave Harting

2. The following individuals may have discoverable information regarding commercial success and other secondary indicators of non-obviousness of the patented invention:

- (a) Phillip Bontrager
- (b) Sauder Manufacturing Company financial representative
- (c) Customers to be identified

All of the above-identified persons, except customers to be identified, can be reached through Patent Owner, and/or Patent Owner's counsel. The persons

identified in Part 1 above qualify as persons of ordinary skill in the furniture design art.

3. Patent Owner identifies the following documents and things likely to be used in evidence in the trial:

- (a) Patent No. 8,585,136 B2
- (b) The file history of Patent No. 8,585,136 B2
- (c) The file history of '787 sister patent
- (d) Product literature published by Patent Owner
- (e) Product literature published by Petitioner
- (f) Articles and commentary published by third parties regarding the Sauder Trey® Chair
- (g) Financial records of Sauder Manufacturing Company, including sales numbers and other indicators of commercial success
- (h) Deposition transcripts and/or portions thereof including the depositions of Davis, Anderson, and Jannetides in the co-pending civil action
- (i) Documents produced by Sauder Manufacturing Company in discovery in the pending civil action
- (j) Documents produced by Petitioner in discovery in the pending civil action
- (k) Actual Trey® and Wave Chairs

- (l) Videos demonstrating operation of the patented Sauder Trey® Chair
- (m) Claim charts
- (n) Prior art cited in the prosecution history and identified by Petitioner as well as prior art identified by Petitioner in the '136 patent
- (o) Other documents and things yet to be discovered, but with respect to which notice will be promptly given.
- (p) Dictionaries and Google search results

At this time, Patent Owner is not aware of any parties whose depositions will be taken in the course of initial discovery. Patent Owner, however, reserves the right to take such depositions as discovery as a just adjudication of the matter requires, as well as rebuttal depositions of parties identified by or relied on by Petitioner in its case in chief.

Petitioner has declined to identify prospective witnesses and evidence at this time.

Respectfully submitted,

Dated: September 23, 2015

YOUNG BASILE HANLON & MACFARLANE PC

/s/Thomas N. Young

THOMAS N. YOUNG (P22656)

Attorney for Patent Owner

Young Basile Hanlon & MacFarlane P.C.

3001 W. Big Beaver Rd. Suite 624

Troy, MI 48084

(248) 649-3333

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on September 23, 2015, a complete and entire copy of the foregoing was provided via Federal Express, to the Petitioner by serving the correspondence address of record as follows:

William F. Bahret,
Reg. No. 31,087
Bahret & Associates LLC
320 N. Meridian St., Suite 510
Indianapolis, Indiana 46204

Stephen F. Rost
Reg. No. 61,983
Taft Stettinius & Hollister LLP
One Indiana Square, Suite 3500
Indianapolis, IN 46204

Timothy Eagle
Reg. No. 31755
VARNUM RIDDERING
SCHMIDT & HOWLETT LLP
333 Bridge Street NW
P.O. Box 352
Grand Rapids, MI 49501-0352

/s/Thomas N. Young