

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JOHNSON MATTHEY INC., and JOHNSON MATTHEY PLC,
Petitioners

v.

BASF CORPORATION,
Patent Owner

Case IPR No. 2015-01265
U.S. Patent No. 8,899,023

Case IPR No. 2015-01266
U.S. Patent No. 9,039,982

Case IPR. No. 2015-01267
U.S. Patent No. 9,032,709

**DECLARATION OF MARK CROCKER IN SUPPORT OF
PATENT OWNER'S RESPONSE TO PETITION FOR *INTER PARTES*
REVIEW OF U.S. PATENT NOS. 8,899,023; 9,039,982; AND 9,032,709**

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X. JURAT60

I, Mark Crocker, hereby declare as follows:

I. INTRODUCTION

1. My name is Mark Crocker. I have been retained as an independent expert witness on behalf of Patent Owner BASF Corporation for the above-captioned Petitions for *Inter Partes* Review ("Petition(s)") of U.S. Patent Nos. 8,899,023 ("the '023 patent") (IPR2015-01265); 9,039,982 ("the '982 patent") (IPR2015-01266); and 9,032,709 ("the '709 patent") (IPR2015-01267).

2. I am being compensated at my usual and customary rate of \$250 per hour for the time I spend in connection with these matters. My compensation is not based on the resolution of these matters.

3. I understand that the aforementioned proceedings involve the '023, '982, and '709 patents. I have been asked to provide my opinions regarding whether claims 1-27 of the '023 patent, claims 1-27 of the '982 patent, and claims 1-7, 10-15, and 18-24 of the '709 patent would have been obvious to a person of ordinary skill in the art at the time of the invention of each of these patents, which I am taking to be August 5, 2003 for purposes of these proceedings.

4. Specifically, I have been asked to analyze the following invalidity grounds:

- Ground 1: Whether claims 1-27 of the '023 and '982 patents and claims 1-7, 10-15, and 18-24 of the '709 patent are patentable over Georg Hühwohl et al., *The SCRT® system –a combination particle filter with*

SCR catalyst –enables both particle and NO_x emission to be reduced simultaneously in commercial vehicle diesel engines, Dresden Motorkolloquium, May 20-21, 1999 (“Hüthwohl”), presented May 21, 1999 (Ex. 1006; certified translation at Ex. 1005), in view of S. Hashimoto et al., *SiC and Cordierite Diesel Particulate Filters Designed for Low Pressure Drop and Catalyzed, Uncatalyzed Systems*, Diesel Exhaust Emission Control 2002: Diesel Particulate Filters (SP-1673) (“Hashimoto”), published in SAE Technical Paper Series (2002) (Ex. 1007), Speronello et al., U.S. Patent No. 5,516,497 (“Speronello”), issued May 14, 1996 (Ex. 1008), and Yasutake Teraoka et al., *Simultaneous Catalytic Removal of Nitrogen Oxides and Soot by Copper-Loaded MFI Zeolites*, Chemistry Letters 2001 (Ex. 1009) (“Teraoka”).

5. I have reviewed the '023, '982, and '709 patents and the documents listed in Appendix B, attached hereto.

6. This Declaration is based on my personal experience and review of the literature known to me as of the date of this Declaration, and I reserve the right to modify or supplement this Declaration in response to additional evidence, rulings, declarations, and testimony that may come to light.

7. I am over 18 years of age. I have personal knowledge of the facts stated in this Declaration and could testify competently to them if asked to do so.

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