

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALLSTEEL INC.

Petitioner

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.

Patent Owner

Case IPR2015-01691

Patent No. 8,024,901

**DECLARATION OF TIMOTHY M. SULLIVAN IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION**

I, Timothy M. Sullivan, declare the following:

1. I am an associate at the law firm of Faegre Baker Daniels LLP, in Minneapolis, Minnesota.
2. I am a member in good standing of the State Bar of Minnesota, my Minnesota Bar membership No. is 0391528.
3. I have also been admitted to practice in the U.S. District Court for the District of Minnesota (1/28/2011) and U.S. Court of Appeals for the Federal Circuit (8/16/2011).
4. I have never been suspended or disbarred from practice before any court or administrative body.
5. I have never had a court or administrative body deny my application for admission to practice.
6. I have never had any court impose sanctions or contempt citations against me.
7. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R.
8. I agree to 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).

9. I have not applied to appear *pro hac vice* in any proceedings before the Office in the past three years.

10. I have been in private practice and have been litigating patent cases for five years.

11. I have an established familiarity with the subject matter at issue in this proceeding. I was substantially involved in the preparation and filing of the Petition, and I am familiar with the subject matter in the Petition, including the technology at issue and the references and other evidence relied on in the Petition. I have read in detail and understand the papers and evidence submitted by Petitioner in this proceeding, and I am very familiar with the invalidity grounds and legal theories advanced from my years of experience litigating patent cases.

12. I have reviewed in detail the patent challenged in this proceeding, U.S. Patent No. 8,024,901 (“the ‘901 Patent”) (Ex. 1001) and the prosecution history file for the ‘901 Patent (Ex. 1012). I have also reviewed in detail the exhibits to the Petition, including the prior art references that are the basis for Petitioner’s obviousness grounds in this proceeding (Exs. 1002-1010) and the testimony of Dr. Joseph Beaman (Ex. 1018). Further, I have reviewed the three currently-pending re-issue applications, of which the ‘901 Patent is the subject.

13. In connection with preparing the Petition, I spent a significant number of hours engaged in substantive discussions with Petitioner’s expert, Dr. Joseph

Beaman, who has submitted testimony in this proceeding. I have also invested a significant number of hours in strategic and substantive discussion regarding this proceeding with lead and back-up counsel for Petitioner Victor Jonas and Trevor Carter. As a result of these discussions and reviewing written materials, including the exhibits filed with the Petition, I have a detailed understanding of the subject matter at issue in this proceeding.

14. Additionally, together with Mr. Carter I am counsel for Petitioner in the related patent infringement lawsuit where the '901 Patent has been asserted against Petitioner, which is pending in the United States District Court for the Northern District of Illinois, Case number 1:15-cv-04874. As such, I have reviewed documents and assisted in preparing the pleadings and briefs submitted in the District Court litigation. It is therefore important that I am also actively involved in this related *Inter Partes* Review proceeding regarding the '901 Patent, which is the same patent at issue in the litigation.

15. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under section 1001 of Title 18 of the United States Code.

[Signature on following page]

Dated: February 4, 2016

Respectfully Submitted,

/Timothy Sullivan/

Timothy Sullivan
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