

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HNI CORPORATION and ALLSTEEL INC.
Petitioners,

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.
Patent Owner.

Case No. IPR2015-01691
Patent No. 8,024,901
Issue Date: September 27, 2011

Title: INTEGRATED RECONFIGURABLE WALL SYSTEM

DECLARATION OF GEOFF GOSLING

I, Geoff Gosling, hereby state and declare as follows:

1. I am the lead inventor of U.S. Patent No. 8,024,901 (“the ’901 patent”).

2. I understand that the broadest claim of the ’901 patent reads as follows:

1. A movable reconfigurable wall system comprising:

a) at least one wall module having a front and rear surface and top, bottom, right side and left side edges, said at least one wall module having:

i) a vertical end frame disposed adjacent to each of said right and left side edges, each vertical end frame having a first vertically extending flange and a spaced apart second vertically extending flange thereon, each of said first vertically extending flange and said second vertically extending flange having a beaded portion, the beaded portion on one of said first vertically extending flange or said second vertically extending flange extending toward the front surface of the wall module and the beaded portion on the other of said first vertically extending flange or said second vertically extending flange extending toward the rear surface of the wall module;

ii) a plurality of horizontal stringers affixed between said vertical end frames at said right and left side edges; and

- iii) an aesthetic surface affixed to said stringers; and
- b) a removable connecting strip having a pair of spaced apart flexible arms, each arm having a beaded portion thereon, the beaded portion of one of said arms being adapted to connect releasably to the beaded portion of one of said first vertically extending flange or said second vertically extending flange on said vertical end frame and the beaded portion of the other of said arms being adapted to connect releasably to the beaded portion of a corresponding opposed vertically extending flange on a separate vertical end frame of a second wall module, a wall bracket, a finishing trim or a connection post to hold one of said first vertically extending flange or said second vertically extending flange and said opposed vertically extending flange together, the beaded portions of said first vertically extending flange or said second vertically extending flange and said opposed vertically extending flange fitting inside the arms of said connecting strip to hold said first vertically extending flange or said second vertically extending flange and said opposed vertically extending flange together thereby releasably connecting said at least one wall module to the other of said second wall module, wall bracket, finishing trim or connection post.

3. I am currently Vice President of Product Development at DIRTT Environmental Solutions Ltd. (“DIRTT”) and was one of the founders of DIRTT in early 2004. Claim 1 of the ’901 patent describes the core of the movable reconfigurable wall design that DIRTT introduced to the market in 2005 as the DIRTT Modular Wall System.

4. When DIRTT first introduced the DIRTT Modular Wall System, I remember several people reacting with varying levels of shock or disbelief because they could not believe the customization that the DIRTT Modular Wall System allowed was possible. For example, Danni Livingston was the Facilities Manager for Johnson County, Kansas, working on finding movable walls for a new Johnson County Building. Johnson County was looking for walls that could be moved and whose “skin” could be changed easily so that walls could be repaired and/or the aesthetics changed over time. But Johnson County was having trouble finding movable walls that could meet the combination of all of the functional and aesthetic needs that it had. For example, Johnson County’s Deputy Director of Facilities had sketched a design with horizontal lines for the moveable wall system, but Danni had to remind him that in the moveable wall world at that time, all of the aesthetics were vertical. Johnson County had decided that their need for the functionality of moveable walls was more important than their aesthetic desires. But then Danni saw DIRTT’s debut booth at the NeoCon trade show in Chicago in

September 2005, and saw that the DIRTT Modular Wall System, with its use of horizontal stringers, allowed horizontal aesthetics and had all of the other functional features that Johnson County wanted. Johnson County decided to drop the moveable wall manufacturer that they had been pursuing and decided to adopt the DIRTT Modular Wall System. In 2010, DIRTT produced a video case study about the Johnson County project, which is currently available at <http://www.youtube.com/watch?v=v76bXwwngnE>. A transcript of the audio of this video clip (with selected accompanying screenshots) is submitted with this declaration as Exhibit 2005. Those images show construction of a number of the DIRTT Modular Walls at the Johnson County Building as well as a number of the walls after construction was complete. The end frames, horizontal stringers, aesthetic surfaces, and connecting strips described in claim 1 of the '901 patent are shown in those images.

5. Because of stories like Johnson County's, the DIRTT Modular Wall System was an amazing commercial success. Within about one year after introduction of the DIRTT Modular Wall System in late 2005, DIRTT was already generating annual revenue attributable to sales of the DIRTT Modular Wall System of about \$20 million (Canadian). The annual revenue of DIRTT attributable to the sales of the DIRTT Modular Wall System rapidly rose from about \$20 million in 2006 to about \$83 million in 2009 (out of total revenue of about \$93 million) and

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