

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ALLSTEEL INC.  
Petitioner

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.  
Patent Owner

Patent No. 8,024,901  
Filing Date: August, 17, 2005  
Issue Date: September 27, 2011  
Title: INTEGRATED RECONFIGURABLE WALL SYSTEM

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*Inter Partes* Review No. Unassigned

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**DECLARATION OF EBERHARD VON HUENE  
REGARDING THE KI BROCHURE**

I, Eberhard Von Huene, declare and state as follows:

1. I am more than 18 years of age. I have personal knowledge of the facts set forth in this declaration and I am competent to testify to such facts if called upon to do so.

2. I am submitting this declaration in connection with a Petition for *Inter Partes* Review of U.S. Patent No. 8,024,901 (the “Petition”) filed by Allsteel, Inc. (“Petitioner”) before the Patent Trial and Appeal Board of the United States Patent Office (the “Board”).

3. From September 15, 1987 to October 31, 2011, I was a consultant at Krueger International, Inc. (“KI”). As a consultant, I assisted KI in selling Genius® Full-Height Movable Walls and attended commercial furnishings trade shows throughout the United States and Canada. In June 2003, I attended the NeoCon World’s Trade Fair 2003 held on June 16-18 at the Chicago Merchandise Mart, Chicago, IL (“NeoCon 2003”). NeoCon is a major annual commercial furnishing trade show attended by thousands of potential customers, designers, engineers, and others.

4. I am currently a consultant to Allsteel, Inc. and have been since November 1, 2011. I have licensed my patent rights in U.S. Patent No. 6,688,056 and related patents and patent applications to Allsteel, Inc. and receive a royalty for sales of the Beyond wall accused by DIRTT of infringing U.S. Patent No.

8,024,901.

5. KI had a public booth at NeoCon 2003 at which it displayed products and disseminated product literature.

6. Exhibit A to this Declaration, which I understand is also to be attached as an exhibit to the Petition, is a true and correct copy of a Genius® Full-Height Movable Walls brochure labeled 10615/KIA, BuyLine 4792 (the “KI Brochure”), except that I understand Exhibit A has been modified from its original form to include an exhibit stamp in the lower right hand corner of each page to conform to the Board’s procedures. As the designer of the product shown in the KI Brochure, I acquired a copy of the KI Brochure at NeoCon 2003 and have since kept my copy, which was used to generate Exhibit A.

7. The KI Brochure was created in 2003, as the copyright date on the brochure indicates, for the purposes of dissemination to potential customers and others at NeoCon 2003 and for including in sales binders sent to potential customers, such as architectural and design firms.

8. KI freely disseminated the Brochure to the public and had no expectation that the Brochure was to be kept confidential by recipients. Indeed, several thousand of the KI Brochures were printed for NeoCon 2003 and virtually every person that visited KI’s booth at NeoCon 2003 was offered a copy of the KI Brochure at NeoCon 2003.

9. In addition to being distributed to hundreds or thousands of visitors to KI's booth at NeoCon 2003, the KI Brochure was also included in all KI sales binders widely distributed without restriction to architectural and design firms in the United States and Canada beginning in at least 2003.

10. I declare that all statements made 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 were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

11. I declare under penalty of perjury that the statements in this declaration are true and correct to the best of my knowledge.

Executed: 8/3/2015

  
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Eberhard Von Huene