

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Borealis AG
Petitioner

v.

Berry Plastics Corporation
Patent Owner

Case IPR2016-00235

In re *Inter Parte* Review of
U.S. Patent No. 8,883,280

DECLARATION OF HOJUNG CHO

I, Hojung Cho, make the following Declaration pursuant to 28 U.S.C.

§ 1746:

1. I am an attorney at the law firm of Finnegan, Henderson, Farabow, Garrett and Dunner LLP.

2. I provide this Declaration in connection with the above-identified *Inter Partes* Review proceeding. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. On November 25, 2015, I visited <http://www.polymerjournals.com/search.asp> and searched a journal article published between 2001 and 2009 using a keyword text, “PP-blends.” I found a link to the abstract of a paper titled “PP-Blends with Tailored Foamability and Mechanical Properties,” *Cellular Polymers*, Volume 22, No. 5 (2003), pp. 315-327 at <http://www.polymerjournals.com/journals.asp?Search=YES&JournalID=98372&JournalType=cp> and printed a copy of these webpages. That copy is now Exhibit 1027. On November 20, 2015, I also purchased and downloaded a copy of the paper, *Cellular Polymers*, Volume 22, No. 5 (2003), pp. 315-327, from the same webpage <http://www.polymerjournals.com/journals.asp?Search=YES&JournalID=98372&JournalType=cp>. The copy of this paper is now Exhibit 1014.

4. On November 20, 2015, I visited <http://www.sciencedirect.com/science/article/pii/S0079670002000060> and printed a copy of it. That copy is now Exhibit 1028, and it includes an abstract for *Progress in Polymer Science*, Volume 7, Issue 7, September 2002, pages 1195-1282, indicating that the associated paper was published online on January 29, 2002. On November 20, 2015, I also downloaded a copy of the associated paper from <http://www.sciencedirect.com/science/article/pii/S0079670002000060>. The copy of this paper is now Exhibit 1015.

5. Exhibit 1012 is a copy of excerpts from a book, Lorna J. Gibson and Michael F. Ashby, *Cellular solids: structure and properties*, Cambridge University Press, 1997, obtained from United States Library of Congress. Exhibit 1012 includes a Library of Congress catalog card number 96-31571 and a July 15, 1997 Library of Congress Copyright Office stamp. On November 20, 2015, I visited <https://catalog.loc.gov/>, and printed a copy of Library of Congress Online Catalog Record of this book under LC Control No. 96031571 from <http://lcn.loc.gov/96031571>. The copy of this record is now Exhibit 1029.

6. Exhibit 1013 is a copy of excerpts from a book, C. Maier and T. Calafut, *Polypropylene: the Definitive User's Guide and Databook*, Plastics Design Library, William Andrew Inc. (1998), obtained from the Library of Congress. A title page of Exhibit 1013 includes a Library of Congress catalog card

number 97-076233 and an April 23, 1998 Library of Congress Copyright Office stamp. On November 20, 2015, I visited <https://catalog.loc.gov/>, and printed a copy of Library of Congress Online Catalog Record of this book under LC Control No. 97076233 from <http://lcn.loc.gov/97076233>. The copy of this record is now Exhibit 1030.

7. Exhibit 1017 is a copy of excerpts from a book, *Encyclopedia of Polymer Science and Technology: Plastics, Resins, Rubber, and Fibers*, Vol. 2, John Wiley & Sons, Inc. (1965), obtained from the Library of Congress. A title page of Exhibit 1017 includes a Library of Congress Card Number 64-22188 and a June 14, 1965 Library of Congress Copyright Office stamp. On November 20, 2015, I visited <https://catalog.loc.gov/>, and printed a copy of Library of Congress Online Catalog Record of this book under LC Control No. 64022188 from <http://lcn.loc.gov/64022188>. The copy of this record is now Exhibit 1031.

8. Exhibit 1020 is a copy of excerpts from a book, Shau-Tarng Lee *et al.*, *Polymer Foams: Science and Technology*, CRC Press (2007), obtained from the Library of Congress. A title page of Exhibit 1020 includes a Library of Congress Card Number 2006043863 and an October 24, 2006 Library of Congress Copyright Office stamp. On November 20, 2015, I visited <https://catalog.loc.gov/>, and printed a copy of Library of Congress Online Catalog Record of this book

under LC Control No. 2006043863 from <http://lccn.loc.gov/2006043863>. The copy of this record is now Exhibit 1032.

9. Exhibit 1033 is a copy of a brochure, “Borealis Daploy™ HMS Polypropylene for Foam Extrusion” linked to the Borealis webpage archived in the Internet Archive’s “Wayback Machine” at https://web.archive.org/web/20081116085125/http://www.borealisgroup.com/pdf/literature/borealis-borouge/brochure/K_IN0020_GB_FF_2007_10_BB.pdf. Based on the information provided by the Affidavit of Christopher Butler of Internet Archive (Ex. 1004, page 1, ¶¶ 2-5), I understand that this copy of the Borealis brochure (Ex. 1033) was available and archived on November 16, 2008.

10. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and 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.

Dated: November 30, 2015

By: /Hojung Cho/
Hojung Cho