

Filed: July 7, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

The Clorox Company
Petitioner,

v.

Auto-Kaps, LLC
Patent Owner

Case IPR2016-00821
U.S. Patent 7,490,743

DECLARATION OF JAMES RICE, PHD

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I. INTRODUCTION

1. It is my understanding that Clorox Company (hereinafter “Clorox”) has filed a petition to institute an inter partes review of claims 1-10 of U.S. Patent No. 7,490,743 (“the ’743 patent”), currently assigned to Auto-Kaps, LLC(“Auto-Kaps”). I have reviewed this petition and the exhibits attached thereto and I am submitting this declaration in support of the Auto-Kaps preliminary response to the petition.

II. BACKGROUND AND QUALIFICATIONS

2. I hold Bachelors, Masters, and Ph.D. degrees in Mechanical Engineering. I have over 40 years of professional experience in mechanical engineering design and analysis in both academic and industrial environments. I have worked as a consultant or advisor for over 30 companies, including Ford Motor Company, Boeing Aircraft, General Motors, and Siemens. I have authored or co-authored over 30 publications and numerous consulting reports.

3. I have extensive background and experience in the area of mechanical engineering design and analysis. In particular, I have extensive education, background, and experience in the fundamental technical areas of relevance to the design and engineering of fluid handling devices such as the manual pump disclosed in the ‘743 patent. A major portion of my professional experience has involved my direct participation in engineering projects involving the design and development of a wide variety of such systems and components.

4. A current copy of my curriculum vitae setting forth details of my background and relevant experience is attached as Exhibit A. My curriculum vitae includes a listing of cases for which I have provided expert testimony over the last four years and a list of all of the publications I have authored. Auto-Kaps retained me in connection with the above captioned matter. I am being compensated at my usual rate of \$350 per hour. My compensation is not dependent on the outcome of this matter.

III. SUMMARY OF OPINIONS

5. As detailed in the following sections of this declaration, I have formed the following opinions.

- A person of ordinary skill in the art would have an undergraduate degree in mechanical or a related field, plus 1-2 years of experience designing fluid handling devices.
- A proper construction of the term “a coupling arrangement” is the following.

coupling arrangement: a non-circular structure fixedly attached to or integrally formed with a pump cap body that permits the pump cap to detachably couple to the container when a container passageway is aligned with a pump passageway

- A proper construction of the term “a mating arrangement” is the following.

mating arrangement: a non-circular structure fixedly attached to or integrally formed with a container that permits the pump cap to detachably couple to the container when a container passageway is aligned with a pump passageway.

- The Guss reference does not disclose all of the features of claim 1 of the ‘743 patent.
- The Bartimes reference does not disclose all of the features of claim 1 of the ‘743 patent.
- The combination of Guss with Campagnolo does not disclose all of the features of Claim 1 of the ‘743 patent.

IV. LEGAL CONSIDERATIONS

6. The following sections present my understanding of the relevant legal principles that I have relied upon in reaching the opinions expressed in this declaration.

A. One of Ordinary Skill in the Art

7. I understand that claims are interpreted from the perspective of one of ordinary skill in the art at the time of the invention and not from the perspective of the judge, a lay person, those skilled in remote arts, or geniuses in the art at hand. I also understand that whether a claimed invention is obvious is judged from the perspective of this person of ordinary skill in the art at the time of the invention. I further understand that the characteristics of this hypothetical

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