

Filed on behalf of Oxbo International Corporation

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**H&S MANUFACTURING COMPANY, INC.**

Petitioner,

v.

**OXBO INTERNATIONAL CORPORATION**

Patent Owner.

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Case IPR2016-00950  
Patent 8,166,739

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**DECLARATION OF SHANE A. BRUNNER**

Oxbo International Corporation, Patent Owner  
Exhibit 2018  
H&S Manufacturing Company, Inc. v. Oxbo  
International Corporation  
IPR2016-00950

1. I am an attorney for Patent Owner, Oxbo International Corp. (hereinafter “Oxbo”).
2. Jake Kappelman was deposed in a parallel District Court case involving Patent Owner and Petitioner. The case is *Oxbo Int’l Corp. v. H&S Manufacturing Co., Inc.*, Case No. 15-CV-292-JDP (W.D. Wis.). The deposition of Mr. Kappelman took place on November 15, 2016 in Cedar Rapids, Iowa.
3. At the deposition, Mr. Kappelman was represented by Petitioner’s counsel. Petitioner’s attorneys had the opportunity to examine Mr. Kappelman.
4. Petitioner’s attorneys designated the entirety of Mr. Kappelman’s deposition transcript as “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY” pursuant to the Protective Order entered in the District Court case.
5. Patent Owner requested that Petitioner remove the confidentiality designation on certain portions of Mr. Kappelman’s deposition transcript, as well as on deposition Exhibits 12 and 13, so that they could be submitted in this proceeding. Petitioner’s counsel agreed to remove the confidentiality designations for certain portions of Mr. Kappelman’s deposition transcript and for deposition Exhibits 12 and 13.

6. A redacted transcript of Mr. Kappelman's deposition is submitted with Patent Owner's Response as **Exhibit 2011**. Deposition Exhibits 12 and 13 are submitted with Patent Owner's Response as **Exhibits 2012** and **2013**, respectively.

7. Patent Owner also requested that Petitioner remove the confidentiality designation on another set of documents produced in the District Court litigation that Petitioner designated as "HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY – PROSECUTION BAR." That set of documents is Bates numbered H&S 152469 through H&S 152495. Counsel for Petitioner agreed to remove the confidentiality designation. That set of documents is produced with Patent Owner's response as **Exhibit 2014**.

8. **Exhibit 2009** submitted with Patent Owner's Response is Defendant's Answers to Plaintiff's First Set of Interrogatories from the District Court litigation.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true to the best of my knowledge.

March 1, 2017



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Shane A. Brunner