

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YOTRIO CORPORATION,

Petitioner

v.

LAKESOUTH HOLDINGS, LLC,

Patent Owner

U.S. Patent No. 8,794,781

Title: Umbrella Apparatus

Case No. IPR2017-_____

**PETITIONER'S EXHIBIT 1203
DECLARATION OF ROBERT SMITH-GILLESPIE**

I, Robert Smith-Gillespie, declare as follows:

1. I have been retained by Chen Malin LLP, on behalf of Yotrio Corporation (“Yotrio”), to provide my opinion regarding the validity or invalidity of claims 1, 2, 4, and 5 (the “Challenged Claims”) of U.S. Patent No. 8,794,781 (“the ’781 patent”) in support of the Petition for *Inter Partes Review* of U.S. Patent No 8,794,781. I am providing a declaration in support of the Petition for *Inter Partes Review* of U.S. Patent No. 6,612,713, a parent application to the ’781 patent, also on behalf of Yotrio.

2. I am being compensated for my time in connection with this matter at my standard legal consulting rate, which is \$325.00 per hour. I am also being reimbursed for reasonable and customary expenses associated with this matter. My compensation is not contingent on the outcome of this matter or the specifics of my testimony.

3. I am a Senior Technical Specialist at Riverwood Solutions, Inc., a business that provides technical expertise on manufacturing, design process, materials, and technology for product applications including medical products, solar powered devices, LED lighting and luminaires, and electronic consumer products.

4. I have attached a copy of my *curriculum vitae* to this declaration. As my CV details, I have worked in the industry in a technical capacity for over 25

years as an employee and a consultant. I received my B.S. degree in Mechanical Engineering from Arizona State University and my B.A. degree in Physics from the State University of New York. My work experience covers the design and development of a diverse array of lighted products including fluorescent and LED backlights for LCDs, various LED illuminated consumer products, and portable and fixed solar powered LED lamp assemblies. For example, my experience includes developing a family of portable and fixed installation, solar powered LED lamps for use in off-grid applications in developing regions of the world. The project focused on improving overall system performance while reducing the bill-of-material cost. After defining the key figure of merit, run-time per charge per dollar, I developed a detailed optimization model that considered several parameters including:

- solar cell technology, efficiency, and size vs. cost,
- battery size and quantity vs. cost, and
- LED quantity, package size, drive level, and efficiency vs. cost.

The mathematical model developed was applied to several products using numerous components yielding surprising results relating to battery sizing (smaller is better) and LED cost (more expensive LEDs were better). In addition to this work, I led the lighting development for several product redesigns to improve

lighting efficiency and distribution. Part of this effort included selecting translucent polycarbonate materials for area lighting lens components.

5. I have published several technical papers on LED lighting and have also served as a technical expert in numerous patent infringement cases and *Inter Partes* Review proceedings.

6. In preparing this declaration, I reviewed the '781 patent and its file history. I also reviewed numerous prior art references to the '781 patent, including U.S. Patent No. 2,087,537 to Finkel ("Finkel") (YOT-1005), U.S. Patent No. 5,053,931 to Rushing ("Rushing") (YOT-1006), U.S. Patent No. 6,089,727 to Wu ("Wu I") (YOT-1007), U.S. Patent No. 2,960,094 to Small ("Small") (YOT-1008), U.S. Patent No. 6,439,249 to Pan et al. ("Pan") (YOT-1010), U.S. Patent No. 5,758,948 to Hale ("Hale") (YOT-1009), U.S. Patent No. 4,999,060 to Szekely ("Szekely") (YOT-1011), U.S. Patent No. 6,126,293 to Wu ("Wu II") (YOT-1012), U.S. Patent No. 5,222,799 to Sears ("Sears") (YOT-1013), U.S. Patent No. 2,244,737 to Stewart et al. ("Stewart") (YOT-1204), and U.S. Patent No. 727,495 to Todd ("Todd") (YOT-1205), as well as others. I understand that Yotrio will include all the documents I identified above as exhibits to its Petition for *Inter Partes* Review in this matter.

7. In forming my opinion, I have relied upon my experience, education, and knowledge related to solar powered LED lamp assemblies specifically, and

electrical and mechanical systems generally. Yotrio's counsel has also explained certain legal principles to me that I have relied upon.

8. Yotrio's counsel has informed me that my opinion must be undertaken from the perspective of what would have been known or understood by a person having ordinary skill in the art at the time of the filing of the application to which the '781 patent claims priority, in February 2001.

9. The '781 patent encompasses several technical disciplines including mechanical, electrical, and lighting fields. However, the patent provides very little technical discussion beyond basic component assembly. In the specification, the most intricate electrical diagrams are system level block diagrams (Figs. 5A, 5B, 10, 11) all of which are absent of circuit design information or any novel electronic features unique to the '781 patent or the art at that time (cf. Figs. 5 & 6 of U.S. Patent 4,410,930 – another solar powered lighting device).

10. Accordingly, from analyzing the '781 patent and the prior art, it is my opinion that a person having ordinary skill in the art for the '781 patent would have at least a 2-year technical degree in electronics technology or electrical engineering technology and at least three years of hands-on experience in equipment maintenance and/or repair or electro-mechanical assembly and troubleshooting.

11. With over 25 years of experience in this area, I am well acquainted with the level of ordinary skill required to implement the subject matter of the '781

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