UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EXOCAD GMBH AND EXOCAD AMERICA, INC.
Petitioner,

v.

3SHAPE A/S,
Patent Owner.

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Patent No. 9.336,336
Issue Date: May 10, 2016
Title: 2D IMAGE ARRANGEMENT

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Inter Partes Review No. IPR2018-00788

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DECLARATION OF OLIVER WIEDMANN

1.   I, Oliver Wiedmann, resident of Steinheim, Germany, hereby declare as follows:

2.   I am employed by Zahntechnik Wiedmann GmbH as managing director. I have been employed there since 1998.

3.   My father is Manfred Wiedmann, who is the developer of the ZRS system. My father and I together continue to work at ZRS, and we also work on further developing the ZRS system.

4.   I am the author of an article titled "Den Harmoniegesetzen entsprechend ... ... computerunterstutzt die richtige Zahnform finden," dated April 2008, from the journal DIGITAL_DENTAL.NEWS, 2ND Volume (the "Article"). I believe that the English translation of this Article is "According to the laws of harmony ... ... to find the right tooth shape with the assistance of the computer".

5.   I wrote this Article in 2008 and submitted it to the DIGITAL_DENTAL.NEWS journal in 2008. I was later informed by the publisher of DIGITAL_DENTAL.NEWS that the Article would be published in the April 2008 volume of this journal.

6.   I and familiar with and subscribed to the DIGITAL_DENTAL.NEWS journal, which I received by hardcopy and, like all subscribers, received the April 2008 volume (2nd volume) in April, 2008, in which this Article was published.

Each volume of the DIGITAL_DENTAL.NEWS journal was published on or around the date indicated on the pages of the journal – i.e., the lower right and left corner of each page, as shown on the Article. I can thus confirm that this Article and this volume of the DIGITAL_DENTAL.NEWS was published and publicly available on or about the date shown on the Article – April 2008. Anyone, particularly anyone with an interest in digital dentistry, could have easily located any volume of the DIGITL_DENTAL.NEWS at that time, which was well known and disseminated largely in the industry.

7.   My family company, ZRS, has also been continually posting a copy of this Article on the company's website, for anyone to view, since some time not long after the April 2008 publication date and certainly before the end of 2008. I am knowledgeable about the ZRS website and what is posted on it as part of ZRS's general business practices, and it has been ZRS's practice to publish a number of articles on the website, including this Article, for years. The article can still be found by clicking on "Digital Dental Ausgabe April 2008" on the webpage http://www.zrs-wiedmann.com/web/zrs/front_content.php?idcat=53&lang=4 (English webpage) (attached as Exhibit A) or the webpage http://www.zrs-wiedmann.com/web/zrs/front_content.php?idcat=44&lang=3 (German webpage) (attached as Exhibit B), which brings you to the Article on this page:

http://www.zrs-wiedmann.com/web/zrs/ext/press/Digital_Dental_April_2008.pdf

(attached as Exhibit C).

8.   Also, I have looked at the "wayback machine" to confirm my memory

that the Article was posted on the ZRS website (which was www.zrs-wiedmann.de

in 2008 and later became www.zrs-wiedmann.com) by at least October 16, 2008,

at the latest. See https://web.archive.org/web/20081016201027/http://www.zrs-

wiedmann.de:80/?action=press&parent=6&CFID=217841&CFTOKEN=18866371

(attached here as Exhibit C). I understand that the "wayback machine" website,

web.archive.org, historically saves captures of websites at various points in time,

and this link shows that the ZRS website was captured by the "wayback machine"

on October 16, 2008. It further shows that the ZRS website at that time already

had posted "Digital Dental Ausgabe April 2008," which was this Article. This

confirms my memory that we at ZRS had posted this Article by October 16, 2008,

along with other articles from that year.[1] The Article was thus also publicly on the

www.zrs-wiedmann.de website for anyone to view by at least October 16, 2008.
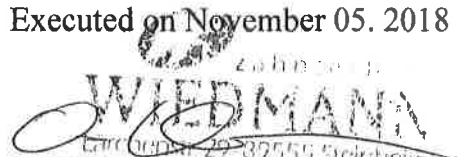
9.   I hereby declare under penalty of perjury under the laws of the United

States of America that the foregoing is true and correct, and that all statements

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[1] If a person clicks on the "Digital Dental Ausgabe April 2008" link on the
"wayback machine" capture of the www.zrs.wiedmann.de website from October
16, 2018 (Exhibit C), the Article does not appear because it was not included in the
capture, but the capture of the ZRS website by the "wayback machine" nonetheless
clearly confirms my memory that the Article was in fact posted there at that time.

made of my own knowledge are true and that all statements made on information

and belief are believed to be true. I understand that willful false statements and the

like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001).

Executed on November 05. 2018

Oliver Wiedmann

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