

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**DECLARATION BY JAMES M. LYONS IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF
U.S. PATENT RE38,844**

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Table of Contents

I. Introduction.....	1
II. Qualifications.....	4
III. Level of ordinary skill in the art.....	8
IV. Applicable legal standards.....	9
V. Background of the technologies disclosed in the '844 patent.....	11
A. Evaporative Emissions.....	11
1. Diurnal breathing emissions.....	12
2. Refueling emissions.....	14
B. Capturing evaporative emissions with adsorbent material.....	14
C. Performance of Evaporative Emissions Control Systems.....	18
1. Adsorption Capacity and Adsorption Isotherms.....	19
2. Butane Working Capacity.....	21
VI. The '844 patent.....	22
A. Overview of the disclosure of the '844 patent.....	22
B. Overview of the claims of the '844 patent.....	27
VII. Claim construction.....	31
VIII. The prior art.....	31
A. Overview of Meiller.....	31
B. Overview of Abe.....	34
C. Overview of Park.....	37
IX. Summary of the '844 patent in view of the prior art.....	39

A. Honeycomb Scrubbers.....	39
B. Incremental Adsorption Capacity.....	44
1. High IAC volumes.....	44
2. Low IAC volumes	45
X. Motivation to combine the prior art.....	47
XI. Claims 1, 2, 6, 8, 11, 12, 14–16, 18, 20, 21, 24, 25, 27–29, 31–33, 36, 37, 39–41, 43–45, 48, 49, and 51–53 in view of Meiller, Park, and admitted prior art.	49
A. Claims 1, 18, 31, and 43.	49
1. Independent claim 1.	59
2. Independent claim 18.	60
3. Independent claim 31.	61
4. Independent claim 43.	69
B. Dependent claim 2.	69
C. Dependent claims 6, 20, 32, and 44.....	69
D. Dependent claims 8, 21, 33, and 45.....	70
E. Dependent claims 11, 24, 36, and 48.....	72
F. Dependent claims 12, 25, 37, and 49.....	72
G. Dependent claims 14, 27, 39, and 51.....	73
H. Dependent claims 15, 28, 40, and 52.....	73
I. Dependent claims 16, 29, 41, and 53.....	74
XII. Claims 1, 2, 6, 8, 11, 12, 14–16, 18, 20, 21, 24, 25, 27–29, 31–33, 36, 37, 39–41, 43–45, 48, 49, and 51–53 in view of Abe, Park, and admitted prior art.	74
A. Claims 1, 18, 31, and 43.	74

1. Independent claim 1.	78
2. Independent claim 18.	79
3. Independent claim 31.	81
4. Independent claim 43.	82
B. Dependent claim 2.	83
C. Dependent claims 6, 20, 32, and 44.....	83
D. Dependent claims 8, 21, 33, and 45.....	84
E. Dependent claims 11, 24, 36, and 48.....	86
F. Dependent claims 12, 25, 37, and 49.....	87
G. Dependent claims 14, 27, 39, and 51.....	87
H. Dependent claims 15, 28, 40, and 52.....	88
I. Dependent claims 16, 29, 41, and 53.....	88
XIII. Claims 3–5, 7, and 19 in view of Meiller, Park, AAPA, and Tennison..	89
A. Overview of Tennison.	89
B. Claims 4 and 19.	90
C. Claim 3.....	93
D. Claim 5.....	94
E. Claim 7.....	95
XIV. Objective indicia of non-obviousness.	95
XV. Conclusion	96

I. Introduction

1. My name is James M. Lyons. I have been employed since October 2014 as a Principal Consultant by Trinity Consultants Inc. (Trinity) and work at Trinity's Sacramento California office located in Suite 400, 3301 C Street. Trinity is an environmental consulting company that specializes in air pollution control as well as other areas. In October 2014, Trinity acquired my former employer Sierra Research, Inc. (Sierra), which was also an environmental consulting firm specializing in research and regulatory matters pertaining to air pollution control.

2. I have been retained as an expert on behalf of BASF, which I understand to be the Petitioner in this matter, to provide opinions regarding U.S. Patent No. RE38,844 ("the '844 patent"). In particular I have been asked to provide expert opinions related to the level of skill of ordinary people working in the field of vehicular evaporative emissions control, the state of the art of the vehicular evaporative emissions control technology described in the '844 patent at the time of the effective filing date of the '844 patent, and the disclosure of the prior art relative to the claims of the '844 patent.

3. The bases for my opinions include the following: (i) my education as a degreed Chemist and Chemical Engineer; (ii) my 33 years of experience in the development, assessment, and testing of emissions control systems for automobiles and equipment, including direct experience related to the design and operation of

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