

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

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## **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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