UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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GUARDIAN ALLIANCE TECHNOLOGIES, INC.
Petitioner,

v.

TYLER MILLER
Patent Owner.

_____

Case IPR2020-00031
Patent 10,043,188 B2

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**DECLARATION OF KURT M. RYLANDER
IN SUPPORT OF PATENT OWNER**

I, KURT M. RYLANDER, declares as follows:

1.   I am the managing attorney of Rylander & Associates PC. I am registered to practice before the United States Patent and Trademark Office.

2.   I am lead litigation counsel for Miller Mendel, Inc., and Tyler Miller in connection with a patent infringement suit against Oklahoma City ("OKC") in the United States District Court for the Western District of Oklahoma entitled *Miller Mendel, Inc. et al. v. The City of Oklahoma City, Oklahoma, a municipal corporation, Case No. CIVF-18-990-JD* ("the District Court Litigation").

3.   From the beginning Dunlap Codding P.C. ("Dunlap Codding"), based in Oklahoma City, Oklahoma, has represented OKC in the District Court Litigation.

4.   I am also the backup counsel in this *inter partes* review to Rick Mc Leod. It was decided I would be backup counsel on October 20, 2019, the day before the mandatory notices were filed in this *inter partes* review.

5.   At no time prior to the *inter partes* review being filed did counsel for OKC, Dunlap Codding, notify me that they were representing Guardian Alliance Technologies, Inc. ("Guardian" or "Petitioner").

6.   Dunlap Codding notified me on April 30, 2019 that OKC intended to file an *inter partes* review.

7.   On May 9, 2019, Dunlap Codding notified the Court in the District Court Litigation that that OKC intended to file *inter partes* review. (Ex. 2018 at 3).

8.   I learned in the District Court Litigation that Guardian is indemnifying OKC in the District Court Litigation.

9.   Guardian has avoided and evaded being part of the District Court Litigation and answering any discovery questions in the District Court Litigation: (a) OKC moved to bar subpoenas from Miller Mendel from being served on Guardian; (b) OKC opposed a motion to amend the complaint to add Guardian as a party in the District Court Litigation (Ex. 2021); (c) Guardian sought to evade service of a subpoena in the District Court Litigation (Ex. 2019, 2020); and (d) Once service was accomplished, Guardian moved to quash the subpoena that had been served upon it. (Ex. 2025).

10.   On October 10, 2019, Dunlap Codding, with an e-mail subject line referencing the District Court Litigation, "Miller Mendel et al. v OKC," asked for permission to serve the *inter partes* review petition on me electronically. Dunlap Codding did not indicate that it was representing Guardian and not OKC. The subject line led me to believe that Dunlap Codding was in fact representing OKC as they had always done. A screen print of the pertinent portion of that e-mail is presented below with highlighting (Ex. 2022):

From: Evan Talley <etalley@dunlapcodding.com>
Sent: Thursday, October 10, 2019 12:12 PM
To: Kurt Rylander <rylander@rylanderlaw.com>; Todd Nelson <tnelson@gablelaw.com>
Subject: Miller Mendel et al. v. OKC

Kurt and Todd -

As you know, an IPR is being filed today. Kurt, as counsel of record for Patent Owner Tyler Miller, would you consent to electronic service, either by e-ma
or by jump drive served via Fed-Ex?

Let me know.

Thanks.

Evan

11.   To be clear, I was giving consent for OKC to serve a petition for *inter partes* review upon me. I was not giving consent for Guardian to serve a petition for *inter partes* review upon me. To be even more clear, had Dunlap Codding told me they were asking for such consent on behalf of Guardian, I would have said "NO."

12.   In the District Court Litigation, OKC, via Dunlap Codding, served me with an e-mail containing a link to an invalidity contentions production on August 8, 2019. The e-mail linked to an FTP site containing a 2.65 Gigabyte ZIP file to download, as shown below:
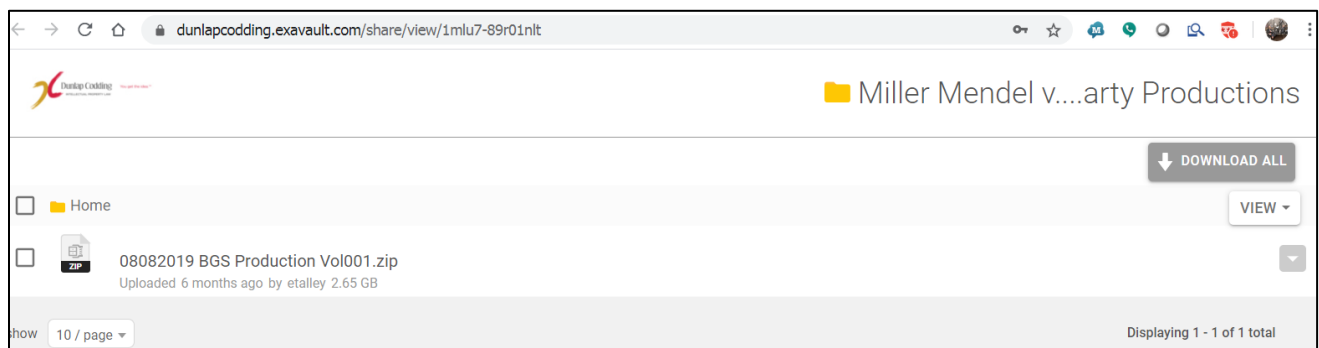
13.   I downloaded the ZIP file from that link.

14.   That e-mail was one of four separate ZIP file productions served on me by OKC between August 6, 2019 and August 9, 2019.

15.   None of the productions served on me were served by Guardian/Petitioner. All of the productions were served on behalf of OKC.

16.   In that three (3) day period, August 6-9, 2019, OKC served on me Seventeen Thousand Five Hundred Eighty-Six (17,586) separate documents.

17.   Some of the production was in file formats not recognized by my computer and which I could not open. Included in that group were five separate .FLV files. They appeared in the following production file structure, in the "natives" folder that appeared after the related ZIP file was downloaded, with highlighting:

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Smarter legal research.