

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

ONE WORLD TECHNOLOGIES, INC.,
D/B/A TECHTRONIC INDUSTRIES POWER EQUIPMENT
Petitioner,

v.

CHERVON (HK) LIMITED,
Patent Owner.

Case IPR2020-00885
U.S. Patent No. 9,648,805

**DECLARATION OF MATTHEW J. LEVINSTEIN IN
SUPPORT OF PATENT OWNER'S OPPOSITION TO
PETITIONER'S MOTION TO UPDATE ITS
MANDATORY NOTICES**

I, Matthew J. Levinstein, declare as follows:

1. I am an attorney licensed to practice law in the state of Illinois. I am a member in good standing in all jurisdictions and forums where I have been admitted to practice.
2. I am designated as Back-Up Counsel to represent Patent Owner Chervon (HK) Limited (“Patent Owner”) in this proceeding, pending *pro hac vice*. I am also counsel of record in the parallel district court litigation: *Chervon (HK) Limited et al. v. One World Technologies, Inc. et al.*, Case No. 1:19-cv-01293 (D. Del.), filed on July 11, 2019 (the “Litigation”). The Litigation involves the same patent at issue in this proceeding.
3. As a result of representing Patent Owner in this forum and in the Litigation, I have an established familiarity with the subject matter at issue in this proceeding. As a result of my representation of Chervon (HK) Limited in these matters, I have acquired substantial understanding of the underlying technological issues at stake in this matter.
4. I am submitting this Declaration in support of Patent Owner’s Opposition to Petitioner’s Motion to Update its Mandatory Notices to Add Real-Parties-in-Interest.

5. Patent Owner is in possession of certain exemplary documents that further support that: (i) the unnamed RPIs—Techtronic and Homelite in particular—were intimately involved in the design and/or development of the accused products in the Litigation (the “Documents”); (ii) Petitioner knew the unnamed RPIs were intimately involved in the design and/or development of the accused products in the Litigation; (iii) the unnamed RPIs should have been named as RPIs by Petitioner when Petitioner filed its Petition; and (iv) Petitioner did not name the unnamed RPIs because it was engaging in gamesmanship and/or in bad faith.
6. The Documents belong to Petitioner and/or Techtronic, who have designated them “Highly Confidential—Outside Counsel’s Eyes Only—Subject to Prosecution Bar” under the terms of the protective order entered in the Litigation.
7. Petitioner did not address the Documents (or the unnamed RPIs’ contributions to the design and/or development of the accused products from the Litigation more generally) in its Motion to Update its Mandatory Notices. (*See generally* Paper 12.)
8. On September 10, 2020, Patent Owner sought Petitioner’s permission to attach the Documents to Patent Owner’s Opposition to Petitioner’s

Motion to Update its Mandatory Notices from Petitioner’s counsel.
(*See EX2020*, Correspondence Between Messrs. Erik M. Bokar and Edward H. Sikorksi, at 1.).

9. Patent Owner intended to file the Documents—TTI1293_00000736, TTI1293_00000764, and TTI1293_00001293—under seal. (*See id.*, at 2.)
10. Petitioner refused Patent Owner’s request. (*See id.*, at 1.)
11. Counsel for Petitioner is the same as in the Litigation. Petitioner could have permitted Patent Owner to submit these documents on an “under seal” basis in the interests of full disclosure and so that the Board could evaluate Patent Owner’s Motion on a complete record.
12. Petitioner’s refusal of a routine request is demonstrative of Petitioner’s continued gamesmanship and bad faith with respect to its RPI disclosure obligations.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patents at issue.

Dated: September 10, 2020

Respectfully submitted,

/Matthew J. Levinstein /
Matthew J. Levinstein (*Pro Hac*
Vice pending)

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