

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WALMART INC.; Z-SHADE CO., LTD.;
COSTCO WHOLESALE CORPORATION;
LOWE'S HOME CENTERS, LLC; and
SHELTERLOGIC CORP.
Petitioner

v.

CARAVAN CANOPY INTERNATIONAL, INC.
Patent Owner

Case IPR2020-01026
Patent No. 5,944,040

**DECLARATION OF WILLIAM J. BROWN, JR.
IN SUPPORT OF PRO HAC VICE MOTION**

Declaration of William J. Brown, Jr.

I, William J. Brown, Jr., declare as follows:

1. I am a partner in the law firm of Brown Wegner LLP, with offices located at 2010 Main Street, Suite 1260, Irvine, California 92614, which has been retained by Petitioner Lowe's Home Centers, LLC ("Lowe's"), in this *inter partes* review proceeding. Lead counsel for Petitioner is David A. Reed, who is a partner in the law firm of Kilpatrick Townsend & Stockton LLP. Mr. Reed is registered to practice before the United State Patent and Trademark Office and holds Registration No. 61,226. With respect to this proceeding, I will work closely with Mr. Reed.

2. I am an experienced litigating attorney and have an established familiarity with the subject matter at issue in this proceeding. In particular, I have approximately 23 years of experience as a patent litigator and have represented clients in numerous patent litigation cases in various United States District Courts and the Court of Appeals for the Federal Circuit, including for example:

Enfish LLC v. Microsoft Corporation, et al., No. 2:2012cv07360, C.D. Cal.

Lamina Packaging Innovations, LLC v. LAFCO Enterprises, Inc., No. 1:2012cv05225, S.D.N.Y.

Fountain, Inc. v. XS Scuba, Inc., et al., No. 5:2015cv04214, N.D. Cal.

Anu IP, LLC v. ViewSonic Corporation, No. 2:2012cv00243, E.D.

Tex.

Legends, Inc. v. The Upper Deck Co Inc., et al., No. 4:2009cv03463,

S.D. Tex.

Secure Cam, LLC v. VOXX Accessories Corporation, No.

1:2018cv01922, S.D. Ind.

Goldfinch Design Studio, LLC, et al. v. Collectors Universe, Inc., et

al., No. 3:2020cv02542, Dist. NJ

Spellbound Development Group, Inc. v. Pacific Handy Cutter, Inc., et

al., No. 8:2009cv00952, C.D. Cal.; Fed. Cir. 2012-1573, -1574.

3. I have an established familiarity with U.S. Patent 5,944,040 (“the ’040 patent”), the patent at issue in this proceeding, and with the legal subject matter, technical subject matter, and prior art discussed in Lowe’s request for *inter partes* review of the ’040 patent, being lead counsel for Petitioner Lowe’s in the patent infringement civil action, *Caravan Canopy Int’l, Inc. v. Lowe’s Home Centers, LLC et al.*, 2:19-cv-06952 (C.D. Cal. Aug. 9, 2019), where the same patent that is the subject of this *inter partes* review proceeding, the ’040 patent, is asserted against Lowe’s. Lowe’s has a need for the same attorney to represent it in both the related PTAB and district court proceedings for many reasons, including, avoiding inconsistency in evidence and arguments, efficiency in avoiding actions that may

cause unnecessary work or result in admissions, reliability of actual work product documents, and continuity of case-related information.

4. I am a member in good standing of the Bar of State of California and am admitted to practice in the following Federal Courts:

United States Supreme Court

United States Court of Appeals for the Federal Circuit

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the Armed Forces

U.S. District Court for the Central District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Southern District of California

U.S. District Court for the District of Colorado

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Southern District of Indiana.

5. I have never been suspended or disbarred from practice before any court or administrative body.

6. None of my applications for admission to practice before any court or administrative body has ever been denied.

7. I have never had a court or administrative body deny my application for admission to practice.

8. I have never been sanctioned or cited for contempt by any court or administrative body.

9. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in Part 42 of Title 37 of the Code of Federal Regulations.

10. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

11. I have appeared in no other proceedings before the Office in the last three (3) years.

I 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 were 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.

Executed on June 14, 2021 at Irvine, California.

/William J. Brown Jr./
William J. Brown, Jr.