

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 KATHLEEN R. GEYER
IN SUPPORT OF PRO HAC VICE MOTION**

Declaration of Kathleen R. Geyer

I, Kathleen R. Geyer, declare as follows:

1. I am an associate in the law firm of Kilpatrick Townsend & Stockton LLP, with offices located at 1420 Fifth Avenue, Suite 3700, Seattle, WA 98101, which has been retained by Petitioner Walmart Inc. (“Walmart”), 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 have and will continue to 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 2 years of experience as a patent litigator and have represented clients in numerous patent litigation cases in various United States District Courts and the United States International Trade Commission, including for example:

- *Dr. Mark A. Barry v. DePuy Synthes Products Inc., et al.*, No. 17-cv-03003 (E.D. Pa.)
- *Dr. Mark A. Barry v. Stryker Corp.*, No. 20-cv-01787-RGA (D. Del.)
- *Dr. Mark A. Barry v. Alphatec Holdings, Inc., et al.*, No. 21-cv-00805-RGA (D. Del.)

- *Dr. Mark A. Barry v. Orthopediatrics Corp.*, No. 1:20-cv-01786-RGA (D. Del.)
- *Dr. Mark A. Barry v. SeaSpine Holdings Corp., et al.*, No. 21-cv-00806-RGA (D. Del.)
- *Low Temp Industries, Inc. v. Duke Manufacturing Co.*, No. 4:20-cv-00686-MTS (E.D. Mo.)
- *Nevro Corp. v. Nalu Medical, Inc.*, No. 20-cv-00291-CFC (D. Del.)
- *Droplets, Inc. v. Nordstrom, Inc.*, No. 5:12-cv-4049-RMW (N.D. Cal.)
- *Echologics, LLC et al. v. Orbis Intelligent Systems, Inc., et al.*, No. 19-cv-02036-RGA (D. Del.)
- *Caravan Canopy Int'l, Inc. v. Walmart Inc., et al.*, No. 2:19-cv-06978-ADS-PSG (C.D. Cal.)
- *Prolitec Inc. v. ScentAir Technologies, LLC*, No. 20-cv-00984-RGA (D. Del.)
- *Certain Vacuum Insulated Flasks and Components Thereof*, Inv. No. 337-TA-1216 (USITC)

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 Walmart’s request for *inter partes* review of the ’040 patent, being counsel for Petitioner Walmart in the patent infringement civil action, *Caravan Canopy Int’l, Inc. v. Walmart Inc., et al.*, No. 2:19-cv-06978-ADS-PSG (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 Walmart. Under the supervision of lead counsel, I also have been substantively involved in the preparation of Petitioner Walmart’s papers in this proceeding.

4. I am a member in good standing of the Bar of State of Washington.

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, including the Patent Trial and Appeal Board, 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 September 7, 2021 at Seattle, Washington.

/Kathleen R. Geyer/
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