

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YITA LLC,
Petitioner

v.

MACNEIL IP LLC,
Patent Owner

Case No. IPR2020-01138
Patent No. 8,382,186

DECLARATION OF JAMES L. THRONE, PH.D.

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I. INTRODUCTION

I, James L. Throne, Ph.D., declare as follows:

1. I have been asked to submit this declaration on behalf of Patent Owner MacNeil IP LLC (“MacNeil” or “Patent Owner”) in connection with an *Inter Partes* Review (IPR) of U.S. Patent No. 8,382,186 (“the ’186 patent”) filed by Yita LLC (“Yita” or “Petitioner”), Case No. IPR2020-01138. I understand MacNeil will submit this declaration to the Patent Trial and Appeal Board (Board) of the United States Patent and Trademark Office (USPTO). I also understand that the ’186 patent is Exhibit 1001 to the Petition for IPR that was filed by Petitioner.

2. Specifically, I have been retained as a technical expert by MacNeil to study and provide my opinions on the technology and written description support of claims 1-7 of the ’186 patent and its related applications. For purposes of this declaration, I was not asked to provide any opinions that are not expressed herein.

II. QUALIFICATIONS

A. Background

3. I am an expert in the field of plastic product design and manufacturing, including plastic product design and manufacturing using thermoforming techniques. I have studied, taught, practiced, and conducted research in this field for over sixty years. I have summarized in this section my educational background, work

experience, and other relevant qualifications. A true and accurate copy of my curriculum vitae is attached as Appendix A to my declaration.

4. I earned my Bachelor of Science degree (with honors) in Chemical Engineering from the Case Institute of Technology in Cleveland, Ohio, in 1959. In 1961, I earned a Master of Science degree in Chemical Engineering from the University of Delaware, Newark, Delaware. In 1964, I earned a Doctor of Philosophy in Chemical Engineering, and a minor in Mathematics from the University of Delaware. In 1966, I conducted post-doctoral work in Continuum Mechanics at the Virginia Polytechnic Institute, in Blacksburg, Virginia.

5. From 1963 through 1964, I worked at E.I Dupont de Nemours & Co., Inc., in Wilmington, Delaware, as a Research Engineer in Dupont's Engineering Technology division. While at Dupont, I developed a process for dehydrating nylon. I also developed a unique means for growing TiO_2 whiskers from vapor phase, for polymeric reinforcing fibers and worked on an all-plastic heat exchanger design.

6. From 1964 through 1967, I was an Assistant Professor in the Department of Chemical Engineering at Ohio University, in Athens, Ohio. From 1967 through 1968, I was an Associate Professor in the Department of Chemical Engineering at Ohio University. While at Ohio University, I developed some of the first polymer processing courses taught in Ohio. I also taught graduate polymer

processing and was a chief architect of the polymer processing Ph.D. program. I also conducted research in laser interferometry in heat transfer and rheology of polymers. In 1968, I was also a Visiting Summer Assistant Professor in the Department of Chemical Engineering at the University of Cincinnati, in Cincinnati, Ohio, where I taught undergraduate unit operations and a graduate seminar in polymer processing.

7. From 1968 through 1972, I was an Adjunct Professor of Chemical Engineering at the Newark College of Engineering, in Newark, New Jersey, and taught undergraduate polymer processing.

8. From 1968 through 1971, I worked at American Standard in New Brunswick, New Jersey. I was a Supervisor of Heat Transfer Research from 1968-1970, and from 1970 through 1971, I was a Senior Engineer in the Plastics Process Development division. While at American Standard, I was responsible for all plastics processing development, as well as programs including the technical assessment of first structural foam injection molding for domestic and commercial products, development of rotational molding concepts for plumbing products, fiberglass-reinforced polyester resin process development, and computer modeling of firing cycle for vitreous china.

9. From 1972 through 1973, I was a Visiting Associate Professor in the Energetics Department, College of Applied Science and Engineering at the

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