

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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YITA LLC,  
Petitioner,

v.

MACNEIL IP LLC,  
Patent Owner.

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**DECLARATION OF TIM A. OSSWALD, PH.D.**

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I, Tim A. Osswald, declare as follows:

## I. INTRODUCTION

1. I have been retained as a technical expert on behalf of patent owner MacNeil IP LLC (“MacNeil” or “Patent Owner”) in connection with *inter partes* review (“IPR”) proceedings IPR2020-01139 and IPR2020-01142 initiated by Yita LLC (“Petitioner”). I understand that IPR2020-01139 involves U.S. Patent No. 8,382,186 (the “’186 Patent”), titled “Vehicle Floor Tray” by named inventors David F. MacNeil and Scott A. Vargo, and that the ’186 Patent is currently assigned to MacNeil. EX1001 (IPR2020-01139). I understand that IPR2020-01142 involves U.S. Patent No. 8,833,834 (the “’834 Patent”), titled “Molded Vehicle Floor Tray and System” by named inventors David F. MacNeil and Scott Vargo, and that the ’834 Patent is currently assigned to MacNeil. EX1001 (IPR2020-01142).

2. I understand that in IPR2020-01139, Petitioner challenged Claims 1-7 of the ’186 Patent as allegedly being unpatentable under 35 U.S.C. § 103 in view of certain alleged prior art references. *See* Paper 3 (IPR2020-01139) (“Petition-01139”) at 27. Specifically, I understand that Petitioner challenged Claims 1-7 of the ’186 Patent on the following ground:

- Ground 1: Claims 1-7 under 35 U.S.C. § 103 as allegedly being obvious over *Rabbe* (EX1005 (IPR2020-01139)) in view of *Yung*

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