

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YITA LLC,
Petitioner,

v.

MACNEIL IP LLC,
Patent Owner.

Case IPR2020-01139
Patent No. 8,382,186

Case IPR2020-01142
Patent No. 8,833,834

**DECLARATION OF RAY SHERMAN IN SUPPORT OF PATENT
OWNER'S RESPONSE**

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I, Ray Sherman, 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. IPR2020-01139, EX1001. 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. IPR2020-01142, EX1001.

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* IPR2020-01139, Petition, 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* (IPR2020-01139, EX1005) in view of *Yung* (IPR2020-01139, EX1006) and *Gruenwald* (IPR2020-01139,

EX1007). *See id.*

3. I understand that in IPR2020-01142, Petitioner challenged Claims 1-15 of the '834 Patent as allegedly being unpatentable under 35 U.S.C. § 103 in view of certain prior art references. *See* Petition, 23. Specifically, I understand that Petitioner challenged Claims 1-15 of the '834 Patent on the following grounds:

- Ground 1: Claims 1, 4, 5, 8, 9, and 12-15 under 35 U.S.C. § 103 as allegedly being obvious over Rabbe (IPR2020-01142, EX1005) in view of Yung (IPR2020-01142, EX1006) and Gruenwald (IPR2020-01142, EX1007). *See id.*
- Ground 2: Claims 2, 3, 6, 7, 10, and 11 under 35 U.S.C. § 103 as allegedly being obvious over Rabbe (IPR2020-01142, EX1005) in view of Yung (IPR2020-01142, EX1006), Gruenwald (IPR2020-01142, EX1005), and Sturtevant (IPR2020-01142, EX1011)).¹ *See id.*

¹ Rabbe, Yung, Gruenwald, and Sturtevant have the same exhibit numbers in both proceedings. *See* IPR2020-01139, Petition, v; IPR2020-01142, Petition, vi. In the remainder of my analysis, I refer to references by exhibit number without specifying a proceeding where the exhibit has the same number in each proceeding.

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