

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHILIP MORRIS PRODUCTS, S.A.,
Petitioner

v.

RAI STRATEGIC HOLDINGS, INC.,
Patent Owner

Patent No. 9,901,123

Case No. IPR2020-01602

DECLARATION OF CHARLES E. CLEMENS

RAI Strategic Holdings, Inc.
Exhibit 2010

Philip Morris Products, S.A. v. RAI Strategic Holdings, Inc.
IPR2020-01602

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I, Charles E. Clemens, do hereby declare:

I. INTRODUCTION

1. I am making this declaration at the request of RAI Strategic Holdings, Inc. (“Patent Owner” or “RAI”) in the matter of the Inter Partes Review (“IPR”) of U.S. Patent No. 9,901,123 (“the ’123 patent”).

2. I am being compensated for my work in this matter at my standard hourly rate of \$585 for such consulting services. My compensation in no way depends on the outcome of this proceeding.

3. In preparing this Declaration, I considered the following materials:

- a. The ’123 patent (Ex. 1001) and its file history (Ex. 1002);
- b. Petition for Inter Partes Review of U.S. Patent No. 9,901,123, IPR2020-01602 (Paper 2);
- c. Declaration of Mr. Stewart Fox (Ex. 1003);
- d. Chinese Patent CN2719043Y to Hon, including an English translation (Ex. 1005) (“Hon”);
- e. U.S. Patent No. 4,947,874 to Brooks et al. (Ex. 1006) (“Brooks”);
- f. U.S. Patent No. 2,057,353 to Whittemore, Jr. (Ex. 1007) (“Whittemore”);
- g. European Patent EP 0845220 B1 to Susa et al. (Ex. 1008) (“Susa”);

- h. U.S. Patent No. 4,284,089 to Ray (Ex. 1009) (“Ray”);
- i. PMUSA teardown report on Ruyan device (Exs. 1019, 1020);
- j. RJR teardown report on Ruyan device (Ex. 1023);
- k. U.S. Patent No. 6,095,153 to Kessler et al. (Ex. 1030) (“Kessler”);
- l. Decision – Institution of Inter Partes Review (Paper 9); and
- m. Any other materials referenced herein.

II. PROFESSIONAL QUALIFICATIONS

4. My professional background and technical qualifications are reflected in my curriculum vitae, which is attached as Appendix A.

5. I have over 40 years of experience as an engineer, executive, and consultant in the medical device industry.

6. In 1979, I obtained a Bachelor of Science degree in Mechanical Engineering from San Diego State University.

7. From 1981 to 1995, I worked at IVAC Corporation (now CareFusion, a subsidiary of Becton Dickinson), a company that pioneered intravenous medication delivery systems. During my time at IVAC, I worked in multiple roles, including as a product designer, engineering manager, and technical director for the largest medication delivery system program the company had ever attempted, which resulted in launching the product in both the US and European markets. My work at IVAC involved design, development, marketing, launch, and manufacturing of numerous

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