

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUASAR SCIENCE LLC
Petitioner,

v.

COLT INTERNATIONAL CLOTHING, INC. d/b/a COLT LED
Patent Owner.

Case: IPR2023-00614
U.S. Patent No. 10,411,224

**DECLARATION OF GUILLERMO MACIAS IN SUPPORT OF
PATENT OWNER'S RESPONSE**

DECLARATION OF GUILLERMO MACIAS IN SUPPORT OF PATENT OWNER'S RESPONSE

I, Guillermo ("Memo") Macias, declare as follows:

1. I am the inventor of the invention disclosed and claimed in the above referenced US Patent Nos. 10,197,224 (the "'224 Patent). I am founder and principal of Colt International Clothing, Inc. dba Colt LED, which is the business for my bicolor tubular lights and related products.

2. Before April 12, 2016 I created an LED lighting tube in the form factor of a fluorescent tube for the commercial image recording industry. I called the product made in accordance with the '224 Patent the RGBAW. It has daylight and tungsten white LEDs in it, as well as red, green and blue LEDs. It is especially useful when it is connected via controls such as DMX to a lighting console. The RGBAW can then produce all of the 255 colors of the "color wheel" used in the entertainment industry. I introduced the RGBAW to the marketplace and had hoped it would help against competition from "Old Quasar" which had copied my Bicolor LED lighting tubes in accordance with other patents I have, e.g., US Patent Nos. 10,411,582 and 10,566,895. The RGBAW tubes are made in accordance with my '224 patent's claims including claims 1, 3-4 and 10-11, as well as others.

QUASAR'S COPYING OF COLT'S RGBAW TUBES

3. Unfortunately, Quasar Science had copied my Bicolor LED tubes. Then, following my introduction of the RGBAW to the marketplace Old Quasar copied that as well. I state this based on my own investigation (explained below) as well as based on the declarations of Bradley W. Brunon, Exhibit 2022.

4. As early as 2014 I became aware of Quasar Science's bicolor tubular LED lights that were exactly like my claimed invention. I was at a trade show in or about October 2014 where Quasar Science was displaying its copy of Colt's Bicolor LED Tube and where I met its co-owner Ray Gonzalez.

5. In early 2018 I sought further proof of the copying. I used Panjiva.com to look up Quasar Science's manufacturer. The manufacturer was a Chinese company called Laysion. I asked Alex Su, my independent quality control agent in China, to contact Laysion. He set up a meeting with Mr. Zhang of Laysion in China where Mr. Zhang lives and works. I met Mr. Zhang in the winter of 2018 at the Laysion factory in China. I explained that I had patents on Colt's Bicolor LED Tubes and that the Quasar Science copies infringed the patents. He admitted to me that Quasar Science had instructed him to make a copy exactly like Colt's Bicolor

LED Tubes. He also showed me text message correspondence that had photos of my product disassembled (the same text messages and photos of Exhibit 2023, at PDF 94-95 and which are reproduced below for reference):

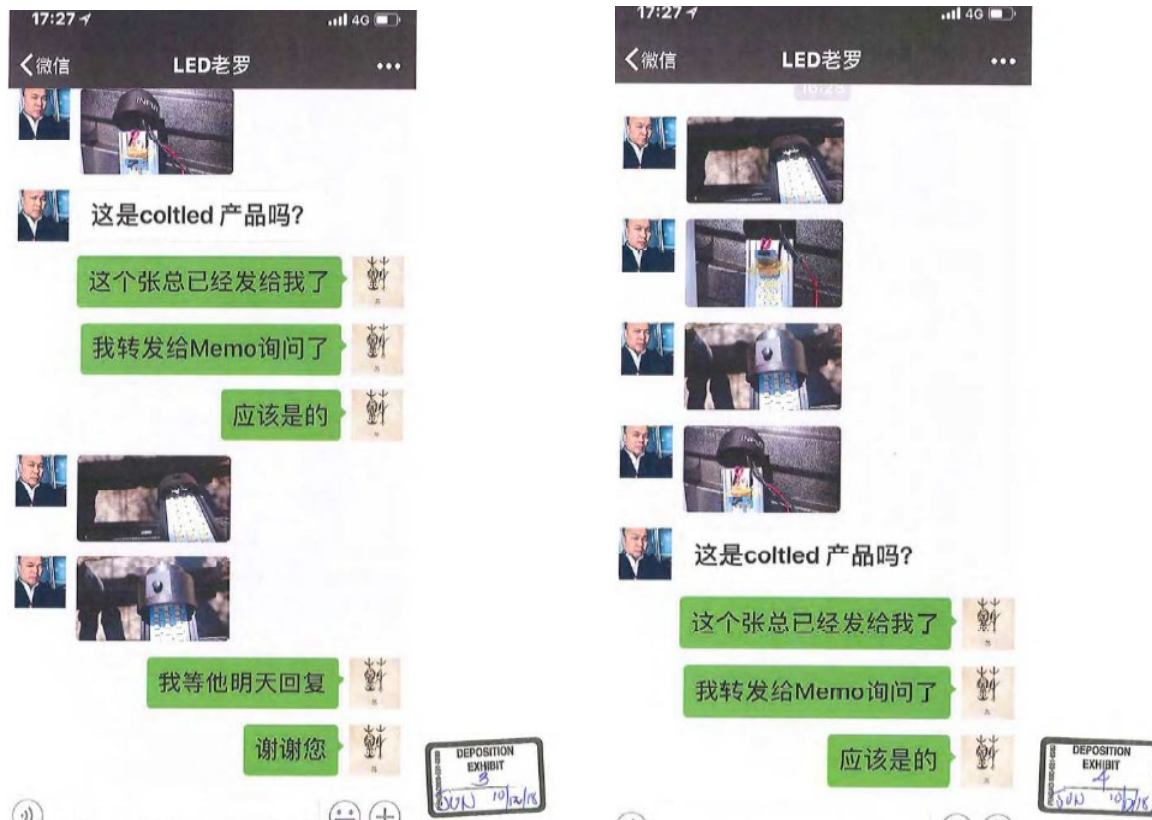


Exhibit 2023, at PDF 94-95.

6. I know the LED lights shown in the above photos were Colt's Bicolor LED Tubes because I recognize various features that match 20 to 30 sample tubes that I gave to Paramount in 2013:

a. The end caps are black and one has the word INPUT on it for where

power is received;

- b. The checkerboard three-row layout of the warm and cool LEDs;
- c. The little black round push button actuator for switching the electrical power path for changing between warm and cool color temperature white being lit; and
- d. The visible circuitry for switching and the color of the wires shown.

7. As a result of the meeting with Mr. Zhang, I corresponded with him in and about August 2018 and I received from him his signed declaration (Exhibit 2015) dated August 15, 2018 where he admitted to copying Colt's Bicolor LED Tubes and making "approximately 10,000 pcs T12 bi-color for Mr. Gonzalez and Quasar." Exhibit 2015, ¶4. He also told me that Quasar Science had stopped using Laysion to make units.

8. Both at the meeting and in the declaration, he also admitted copying Colt's LED color tubes, the RGBAW: "5. I also duplicated Colt Led color tube for Quasar..." and "6. The copies I manufactured were indeed exact copies..."

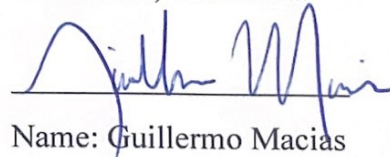
9. I was present at the deposition of Mr. Zhang in October 2018 when he admitted to taking apart Colt's Bicolor LED Tubes to copy them at the request of Quasar Science from whom he said he received Colt's Bicolor LED Tubes.

I hereby 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, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

In signing this Declaration, I understand that the Declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I acknowledge that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of January 2024 at Valencia, California.

A handwritten signature in blue ink, appearing to read "Guillermo Macias", is written over a horizontal line.

Name: Guillermo Macias