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. 10,566,895

DECLARATION OF FERNANDO SILVA IN SUPPORT OF PATENT OWNER'S RESPONSE

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I, Fernando Silva, declare as follows:

1. I am the Sales Manager for the the Set Lighting Department at Paramount Pictures Corporation. I make all of the statements in this declaration of my own personal knowledge, or where I expressly indicate, upon my information and sincere belief. If called as a witness, I could and would competently testify to the truth of the matters to which I attest in this declaration.

2. I have worked at Paramount for nearly twenty-seven (27) years. I began as a prop maker in set construction beginning right out of high school in July of 1996. I moved up to set lighting sales in 1999. By about 2001 I became a Manager of Set Lighting Sales for Paramount Pictures.

3. In my position as Manager of Set Lighting Sales, it was an important part of my job to know all of the lighting products that gaffers might want to use on set for the TV or movie productions they were working on, so I could help them when renting lights for their productions.

5. TV and movie productions which filmed at Paramount would often rent a hundred or more of these tubes and use them as key lighting on set. The tubes would stay rented on set for as long as the movie would be shot or the TV series would run. Thus some TV series would be renting over a hundred tubes continuously for years and years.

6. When I first met Guillermo ("Memo") Macias he told me that he was President of a company called Colt International Clothing, Inc. (aka "Colt LED"). Memo was interested in finding out whether Paramount might need any lighting-related products that he could fulfill.

7. I showed him some of the Kino Flo fluorescent lighting tubes and explained various problems these tubes had. For example, they were only one-color temperature. When filming, if a new scene had to be shot with a different color temperature, gels had to be placed on the fluorescent light tubes or the tubes had to be changed out to another fluorescent tube at or closer to the right color temperature. This was and had been a significant problem given the number of tubes used on set, often a hundred or more. For the entire 25 years that I have been in the set lighting department, several employees have been working full time to add gels to tube lights, to remove them and/or to change between warm white tubes for cool ones.

8. In about the same time frame, I was aware of MacTech LED's single color LED lighting tube. The MacTech single color lighting tube only had one color temperature, either warm white or cool white. It also had light output that had a lot of green hues according to gaffers that were renting tubes. This meant that when the Mac Tech LED tube was being used, a gel had to be used on it. And it was only available in a rectangular frame with multiple tubes.

9. Then, in 2013, Memo brought me what he called a bicolor LED tube light ("Colt's Bicolor LED Tube").

10. Colt's Bicolor LED Tube was switchable between daylight (cool) and tungsten (warm) light settings, was bright in either mode yet the light emitted was even (no hotspots/point sources), was over 90 CRI in either mode and essentially no green and magenta hues in either mode. In my experience, these are the features that gaffers wanted and were very pleased with these features in Colt's Bicolor LED Tubes.

11. Colt's Bicolor LED Tube did not need any gels and could easily switch from daylight to tungsten and back without any rigging. I was excited about the prospect of renting out such a light for Paramount's rentals.

12. I recognized the substantial commercial value that it had. I thought it would be great for the needs of my gaffer clients. In fact, when Colt's Bicolor LED

was first introduced Paramount charged twice for rental of Colt's Bicolor LEDs as for fluorescent tubes and our customers were happy to pay that.

13. Memo gave me some samples also in or about 2013. While I have noticed over the years that gaffers are resistant to change lighting, almost immediately the VH1/CBS show "Hit The Floor" rented many of Colt's Bicolor LED Tube lights in the form of "ladder lights." The ladder lights are the tube lights along with a fabric harness that holds them. In this case, twelve of Colt's Bicolor LED Tubes on each ladder.

14. I have seen how Colt's Bicolor LED Tubes have changed the stage lighting industry. Almost immediately, Colt's Bicolor LED Tubes became the only tube lights or virtually the only tube lights used in Paramount's studios, replacing fluorescent tubes. Paramount still has some fluorescent tubes, but these are now just rented out for usually low budget, off site use, for example, where filming will be in an office and where the existing overhead fluorescent lights are being replaced with the higher quality and desired color temperature fluorescent tube.

15. Also in 2013, Ray Gonzalez who had been buying old equipment from Paramount to re-sell for years, was at Paramount and saw Colt's Bicolor LED Tubes. Ray told me he was working with some clients looking to rent lighting. I showed him Colt's Bicolor LED Tubes hoping to get his clients' rental business. He liked the tubes and said that they were a "good idea." He said that he would

like to borrow some of the tubes to show his clients. I loaned him a few of Colt's Bicolor LED Tubes: two or three four-foot bicolor tubes and a two-footer. He said he would bring them back in about one week.

16. I said okay because it sounded like Paramount could get bicolor tube rentals for multiple production clients through Ray.

17. Ray never returned the lighting tubes and his clients never came to rent lights from Paramount. I did not see Ray again until about a year or so later.

18. I later came to learn that Ray was a cofounder of Colt's competitor Quasar Science, LLC.

19. 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.

20. 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.

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

Executed this 12 day of January 2024 at Los Angeles, California.

Name: Fernando Silva