

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDEN PARK ILLUMINATION, INC.,
LARSON ELECTRONICS LLC, FAR UV TECHNOLOGIES
and USHIO AMERICA, INC.

Petitioners,

v.

S. EDWARD NEISTER,
Patent Owner.

Case IPR2023-00695

U.S. Patent No. 11,246,951

**DECLARATION OF BRENT P. RAY IN SUPPORT OF MOTION FOR
LEAVE TO FILE SUR-REPLY OUT OF TIME**

I, Brent P. Ray, lead counsel for Patent Owner in this action, declare:

1. Patent Owner's deadline to submit its sur-reply in support of its POPR was on August 2, 2023.

2. The email from the Board granting leave to file this sur-reply was not sent directly to our docketing department. Not realizing this, counsel for Patent Owner did not forward the email to put the filing deadline on our calendar.

3. Compounding matters, the undersigned was on a family trip overseas from July 26 to August 3.

4. This combination of events caused the inadvertent failure to submit a sur-reply in the allotted time.

5. Counsel for Patent Owner realized this failure on August 9, and promptly reached out to Counsel for Petitioners to ask whether they objected to filing a Motion for Leave to submit sur-reply out of time.

6. Counsel for Petitioners indicated that they did object.

7. Shortly thereafter, Counsel for Patent Owner sent its email to the Board seeking permission to file a Motion for Leave.

If asked to do so, the undersigned would testify to the same under penalty of perjury.

Respectfully submitted,

/s/ Brent P. Ray

Brent P. Ray (Reg. No. 54,390)

Lead Counsel for S. Edward Neister

Date: August 14, 2023