

DECLARATION OF HOWARD H. SHEERIN

A. INTRODUCTION

I, Howard H. Sheerin, declare:

1. I am a member in good standing of the Bar of the State of California, a patent attorney registered with the United States Patent Office (Reg. No. 37,938), and counsel for the Petitioner Guangdong Laitu Imaging Technology Co., Ltd., dba Leofoto, in the *Inter Partes* Review of U.S. Patent No. 8,398,037 owned by Really Right Stuff, LLC. I have personal knowledge of the facts set forth in this declaration and would and could testify competently to them if called upon to do so.

B. DOWNLOADED EXHIBITS

2. I downloaded five of the attached exhibits referenced herein from the Internet:

Ex. 1001: U.S. Patent No. 8,398,037

Ex. 1002: Transaction History for U.S. Patent No. 8,398,037

Ex. 1003: Prosecution History for U.S. Patent No. 8,398,037

Ex. 1004: U.S. Patent Publication No. 2008/0224000

Ex. 1005: Gitzo 2009 sales catalog

C. SCREEN CAPTURE EXHIBITS

3. I generated four of the attached exhibits referenced herein by generating “screen captures” of corresponding YouTube videos:

Ex. 1006: YouTube1

Ex. 1007: YouTube2

Ex. 1008: YouTube3

Ex. 1009: YouTube4

4. I generated all “screen capture” figures referenced in this declaration using the “Print Screen” keyboard key. I added annotation (in red) to some of the screen capture figures in the IPR petition and this declaration for clarity.

D. GITZO S.A.

5. I performed a Google search for the key words “Gitzo Wikipedia” and from the search results I visited the Gitzo Wikipedia webpage:

<https://en.wikipedia.org/wiki/Gitzo>

6. The Gitzo Wikipedia webpage describes the history of the Gitzo company as follows:

Gitzo was founded in France by Arsène Gitzhoven in 1917, initially producing wooden and metal cassette filmbacks, and later expanding to include a line of cameras, shutters, and cable releases. Between 1942 and 1944 during World War II, the company produced military support systems. During the late 1940s, tripods and tripod heads were

introduced into their product range... Gitzo introduced the first professional carbon fiber tripod and monopod at Photokina in 1994. The Gitzo factory in Paris was expanded in 1996 to 6,200 m² (67,000 sq ft).

7. I also viewed the Gitzo.com website, and particularly the Gitzo history webpage:

<https://www.gitzo.com/us-en/gitzo-world/gitzo-history>

which describes the history of the Gitzo company as follows:

1917 Gitzo was founded in France in 1917 by Arsène Gitzhoven, to produce cameras, flexible shots, shutters and film holder backs for the photographic industry.

1942 World War led to the company being temporarily dismantled.

1944 Production started again and tripods were introduced to Gitzo's product range in the 1950's.

1960 Arsène Gitzhoven retired and his daughter, Yvonne Plieger, took over running the company with her husband, devoting themselves to the development of a wide range of top quality tripods and heads which were exported to more than 54 countries.

E. EXHIBIT 1001

8. Attached to this declaration as Exhibit 1001 (Leofoto 1001) is a true and correct copy of US Patent No. 8,398,037.

F. EXHIBIT 1002

9. Attached to this declaration as Exhibit 1002 (Leofoto 1002) is a true and correct copy of the transaction history downloaded from the US Patent Office for US Patent No. 8,398,037.

G. EXHIBIT 1003

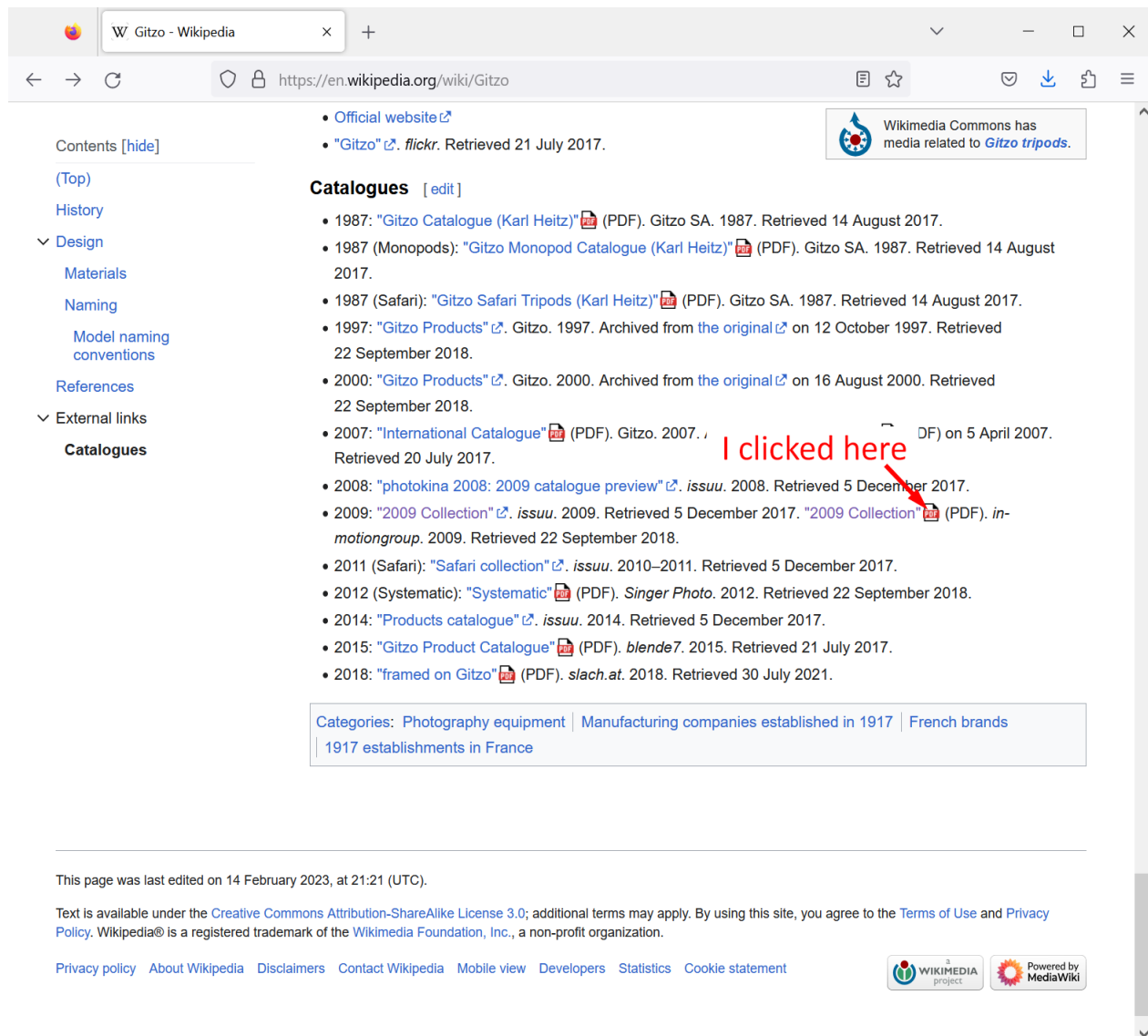
10. Attached to this declaration as Exhibit 1003 (Leofoto 1003) is a true and correct copy of the prosecution history downloaded from the US Patent Office for US Patent No. 8,398,037.

H. EXHIBIT 1004

11. Attached to this declaration as Exhibit 1004 (Leofoto 1004) is a true and correct copy of the US Patent Publication No. 2008/0224000.

I. EXHIBIT 1005

12. When viewing the Gitzo Wikipedia webpage (*see* Section D.5 *supra*), under the “Catalogues” heading I clicked on the PDF icon to download the “2009 Collection” as shown in the below annotated screen capture:

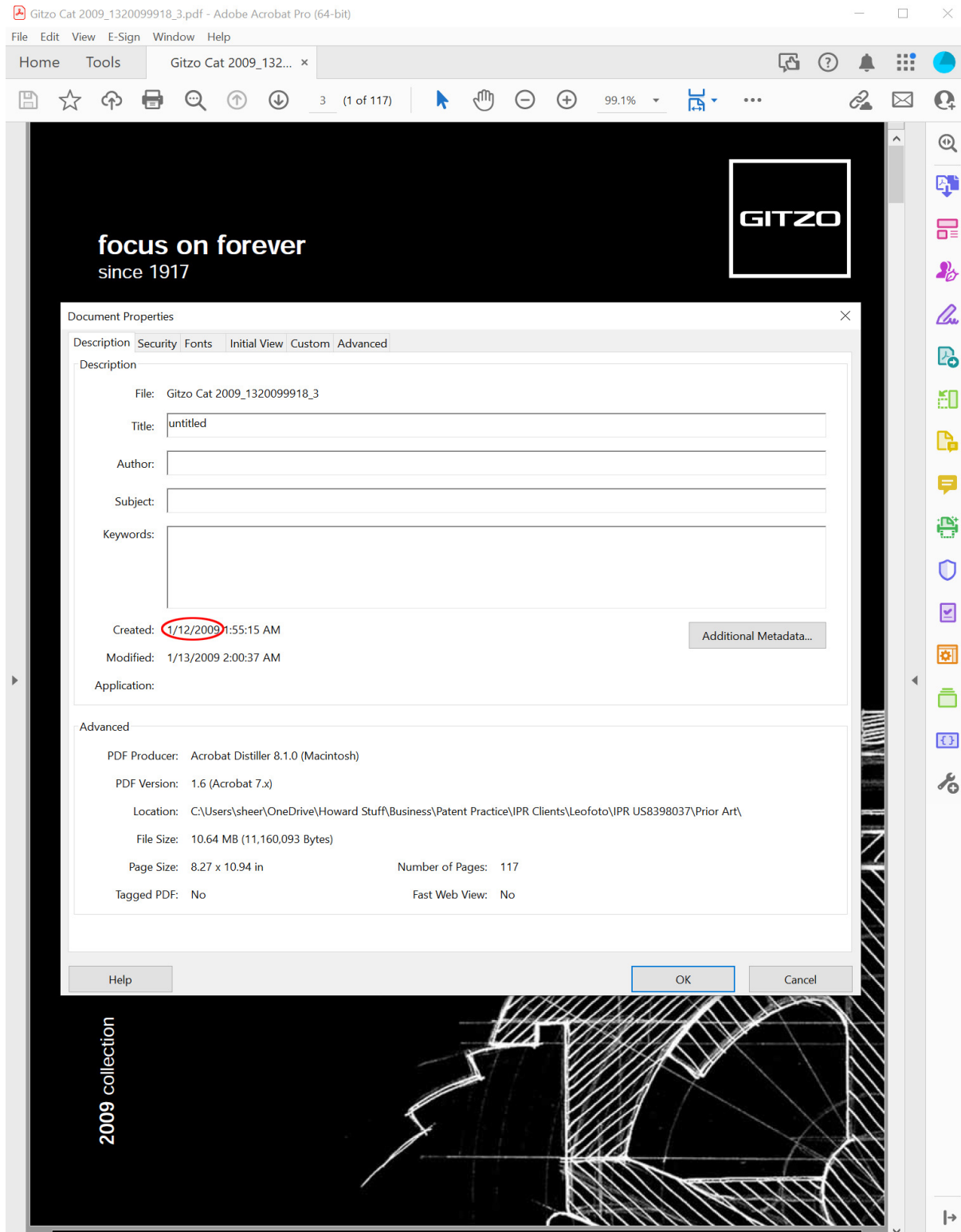


The PDF file that downloaded is attached to this declaration as Exhibit 1005 (Leofoto 1005) and referenced herein as “Gitzo 2009”.

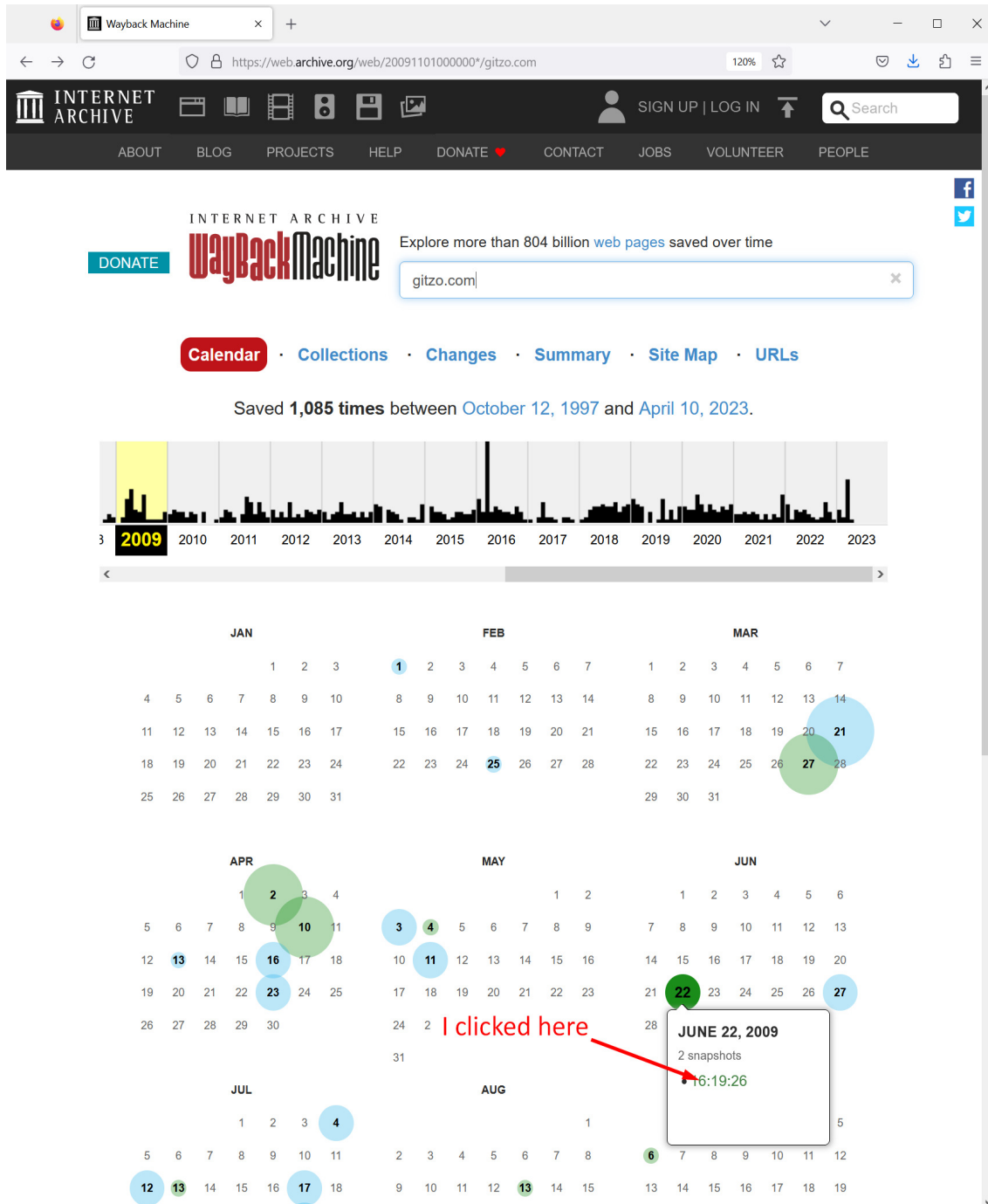
13. I opened the Gitzo 2009 PDF file and viewed all 117 pages of the document, including the cover page which has printed thereon “2009 collection”:



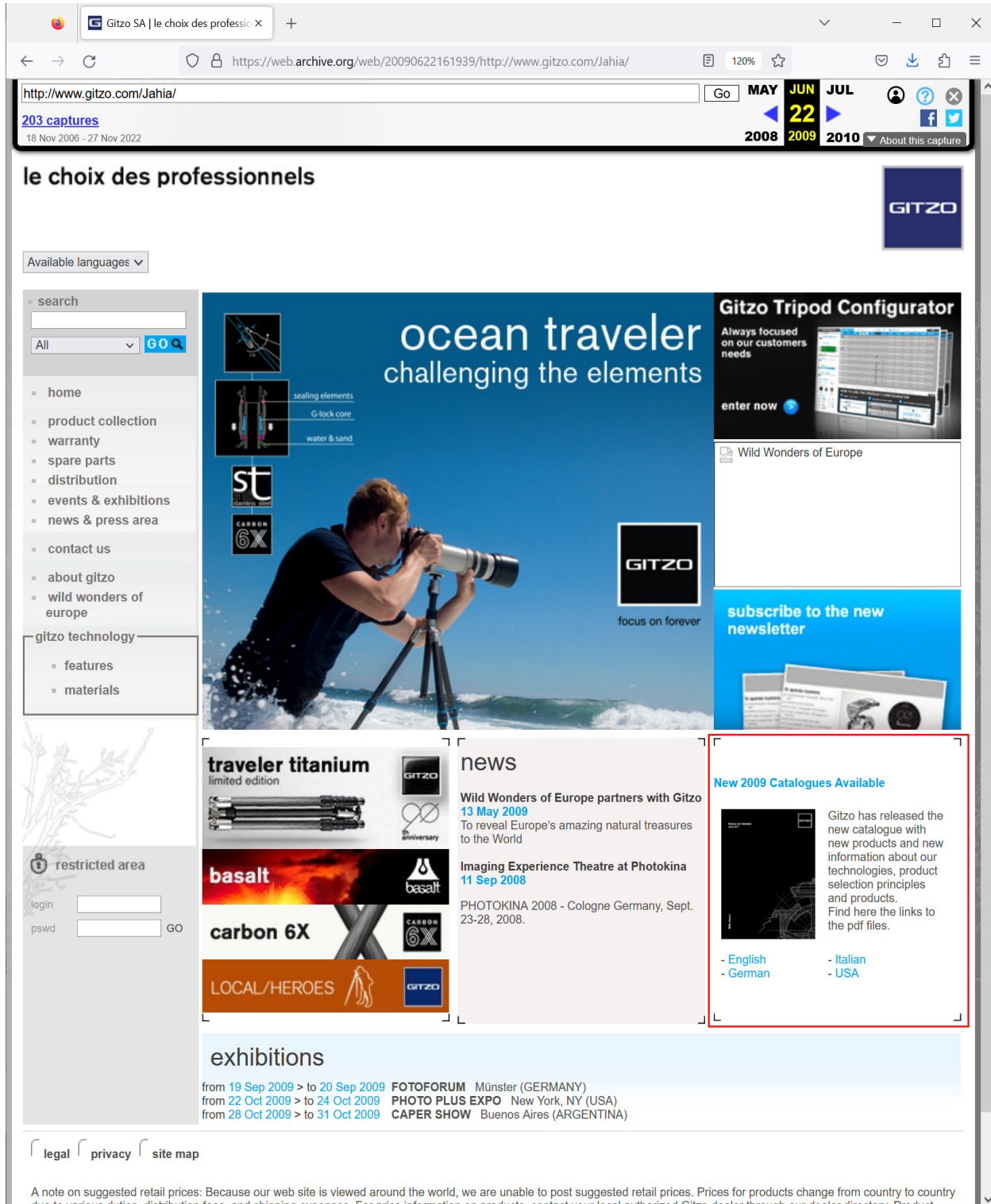
14. I opened the “Properties” dialog box of the Gitzo 2009 PDF file under the “File” menu which displayed a date “Created” of 1/12/2009:



15. I viewed the Internet Archive Wayback Machine website by visiting the URL <https://web.archive.org> and entered “gitzo.com” into the search bar. I selected the year “2009” and selected the date June 22, 2009, and then I clicked on the link “16:19:26” as shown in the below annotated screen capture:



16. The following webpage was displayed by the archive.org website including a reference to the “New 2009 Catalogue” in the lower right corner (annotated):



17. I used Photoshop to crop the above screen capture and enlarge the image representing the “2009 Catalogue” which is displayed below:

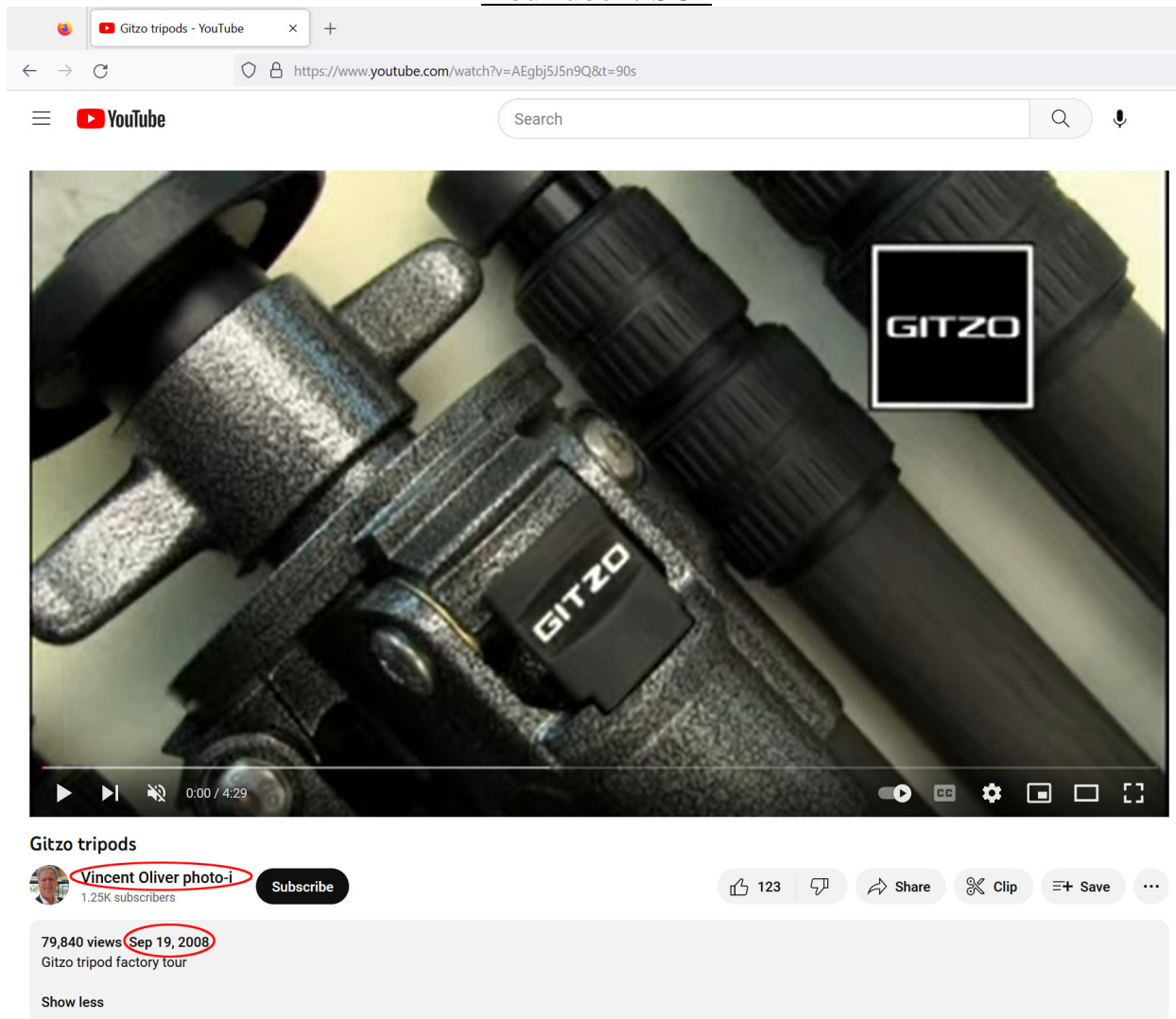


18. Although blurry, the above enlarged image in paragraph 17 looks the same as the cover page of the PDF file downloaded from the Gitzo Wikipedia page in the above paragraph 13.

J. EXHIBIT 1006

19. Attached to this declaration as Exhibit 2006 (Leofoto 1006) are a number of screen captures that I took from a YouTube video (“YouTube1” entitled “Gitzo Tripods”), including a screen capture of the first frame of the video (YouTube1: SC1) shown below (annotated) which lists as the publisher “Vincent Oliver photo-I”, a publication date of September 19, 2008, and a description of “Gitzo tripod factory tour”:

YouTube1: SC1



20. I visited the YouTube.com website and in the search bar I searched for “gitzo tripod 2008”. The first search result was the YouTube1 video as shown in the below annotated screen capture:

gitzo tripod 2008 - YouTube

https://www.youtube.com/results?search_query=gitzo+tripod+2008

gitzo tripod 2008

Filters

Ad **Gitzo GIGT1545T Traveler Series 1 Carbon Fiber Tripod GT1545TUS - BHPhotoVideo.com**

Best Price. Free Expedited shipping to Scottsdale. Hurry, Shop now. Best Prices, Top Rated. Free Fast Ship Most Items. Thousands of Peer Reviews. Expert help by Phone/Chat. 5-Star Top Rated Online. Fastest MOBILE Checkout. Services: Prices slashed 45%, Our Lowest Price Ever, While Supplies Last, \$0 6/mo. w PayPal Credit.

Insightful Buyer Reviews See Daily Deals/Specials Free 1-3 Day Express Ship

Ad · <https://www.bhphotovideo.com/> Visit site

Gitzo tripods
79K views · 14 years ago
Vincent Oliver photo-i
Gitzo tripod factory tour.

Gitzo G1098 Tripod
17K views · 14 years ago
PhotoVideoAu
Demonstrates the Gitzo G1098 Basalt Fibre Tripod.
Ideal for Camping | Easily Adjusted 2 moments

Gitzo Tripod Center Column Removal and Shortening
7.7K views · 3 years ago
Chris Thompson Photography
This is a video about removing your Gitzo Tripod Center Column for those ultra low shots. You can also invert the tripod head to ...

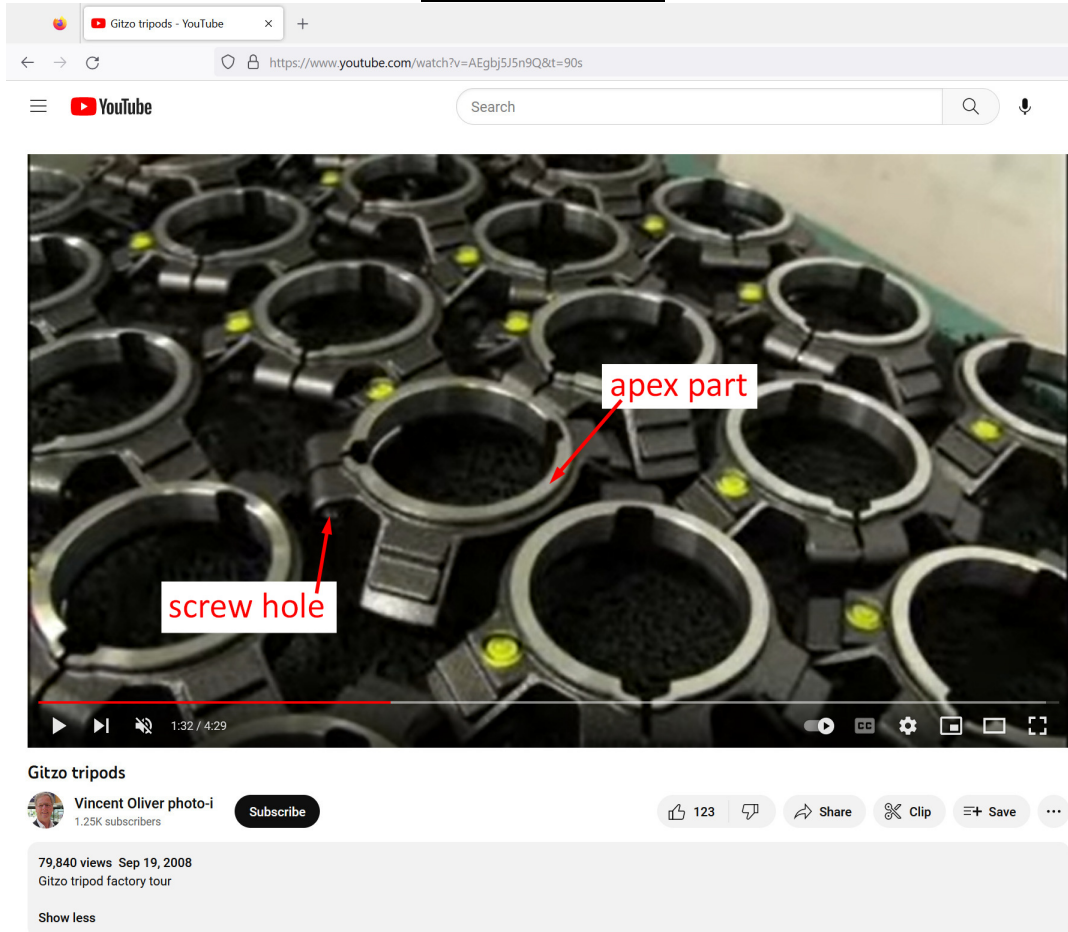
Gitzo Mountaineer - Tutorial video
122K views · 9 years ago
Gitzo Inspires
Launched in 1994, Gitzo Mountaineer was the first carbon fibre tripod. In 2014, it is still leading the way, continuing to evolve and ...

<https://www.youtube.com/watch?v=AEGbj5J5n9Q>

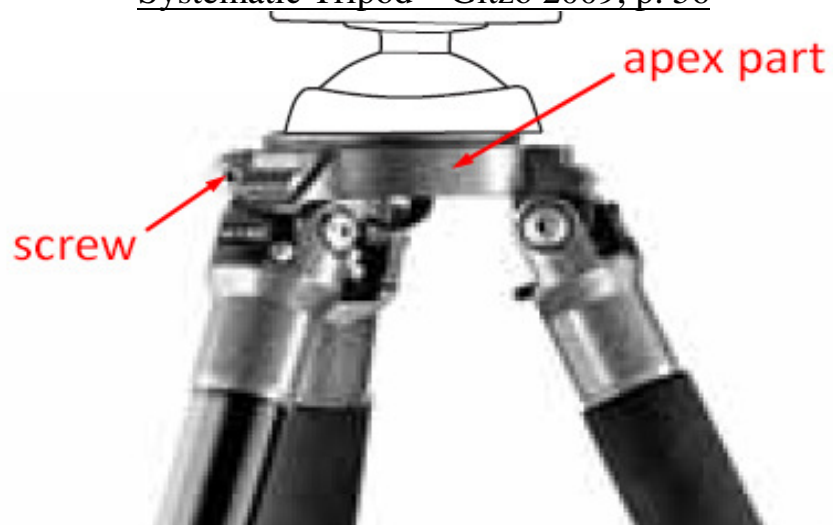
21. I compared the second screen capture (YouTube1:SC2) shown below (annotated) to a Systematic collection Gitzo tripod shown on page 56 of the Gitzo

2009 catalog (Ex. 1005) also shown below (annotated), and they both appear to show the same “apex” tripod part:

YouTube1: SC2

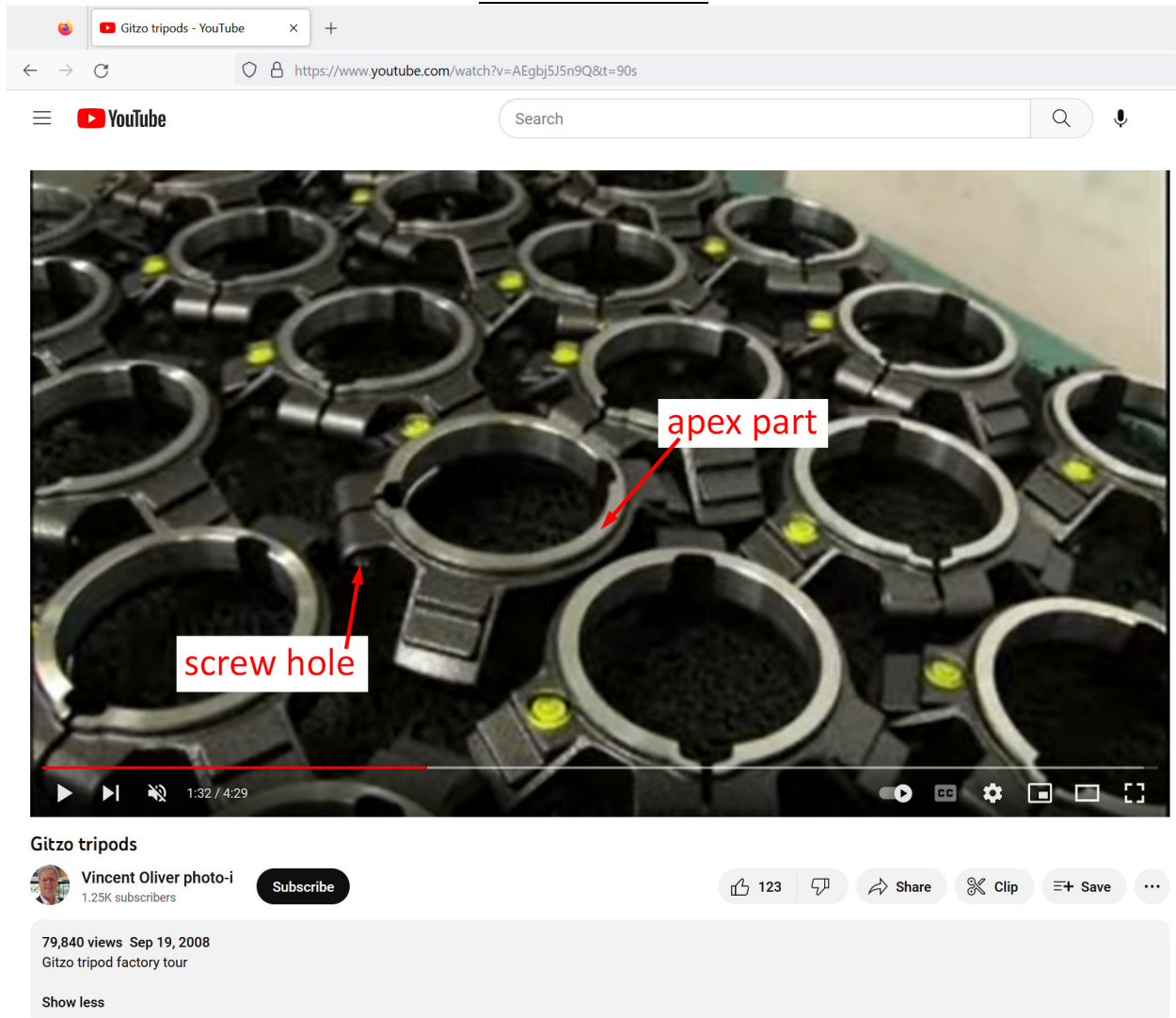


Systematic Tripod – Gitzo 2009, p. 56

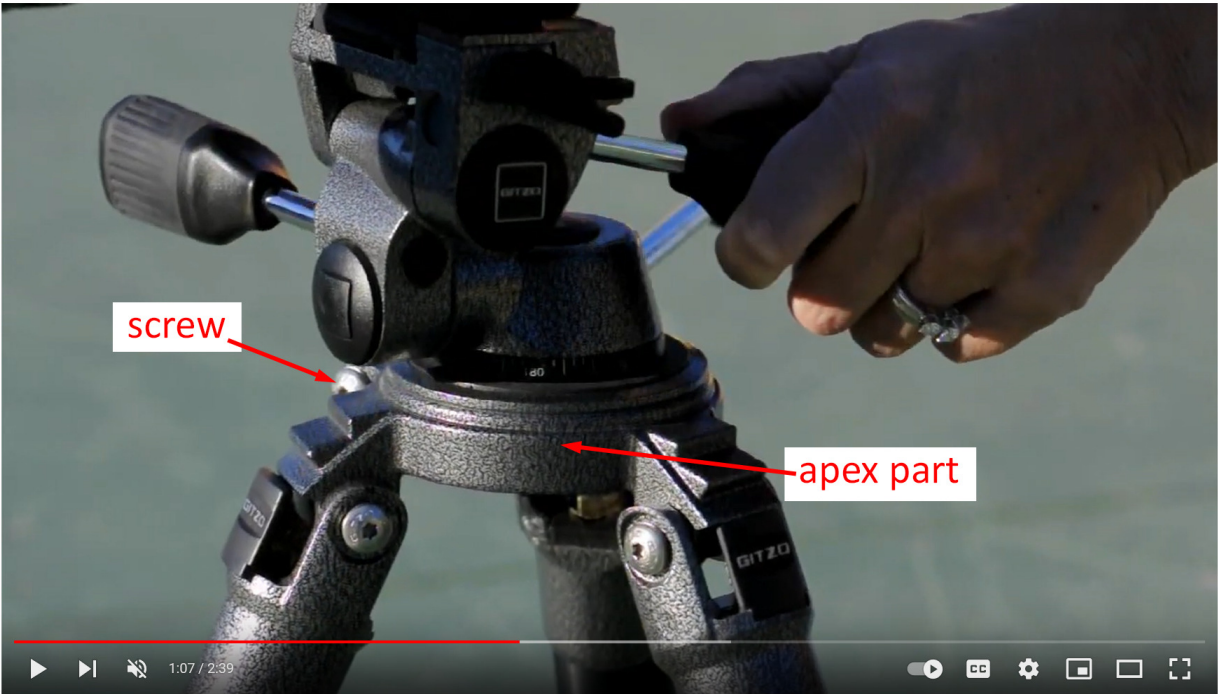


22. I compared the second screen capture (YouTube1:SC2) shown below (annotated) to the second screen capture of YouTube3 video (YouTube3:SC2; see Section L *infra*) also shown below (annotated), and they both appear to show the same “apex” tripod part:

YouTube1: SC2



YouTube3: SC2



The video player shows a close-up of a hand adjusting a screw on a tripod head. Red arrows point to the 'screw' and 'apex part'.

Shooting Videos with a DSLR Camera - English

Gitzo Inspires
1.79K subscribers

70,285 views Feb 18, 2010

With the ability to shoot video with many new DSLR cameras, the necessary changes in handling them has become evermore important. Professional photographer Bill Frakes, in conjunction with Bogen Imaging (now Manfrotto Distribution), shot a video using a DSLR camera with Manfrotto and Gitzo photography equipment. These were his conclusions:

The new cameras look and feel like traditional still cameras, but handle very differently, especially when shooting video. The weight distribution and focusing techniques involved require a tough, durable, and rock steady platform to shoot with.

When shooting video with the new DSLR cameras like the Nikon D90, I rely heavily on Manfrotto and Gitzo tripods to keep the camera steady and video smooth.

The Manfrotto 700RC2 and the 190XB are an excellent solution for working on the go. The 701HDV is an even more robust head that is still lightweight and very easy to use.

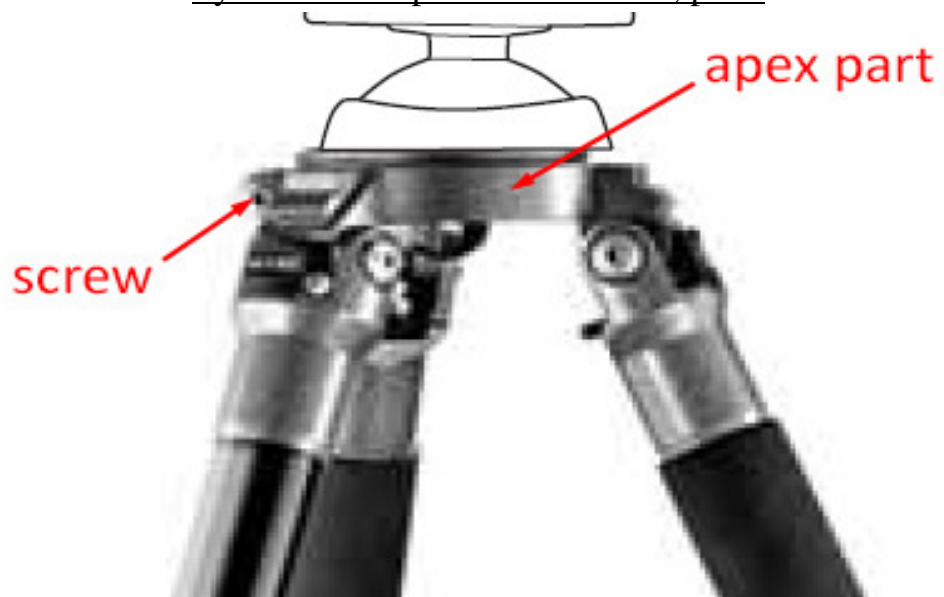
The Gitzo fluid damped 3-way head G2272M is great on the GT3320BS tripod. The G2180 and the G2380 fluid heads are terrific options as well.

23. I compared the third, enlarged screen capture (YouTube1:SC3-2) shown below (annotated) to a Systematic collection Gitzo tripod shown on page 56 of the Gitzo 2009 catalog (Ex. 1005) also shown below (annotated), and they both appear to show the same “apex” tripod part:

YouTube1: SC3-2

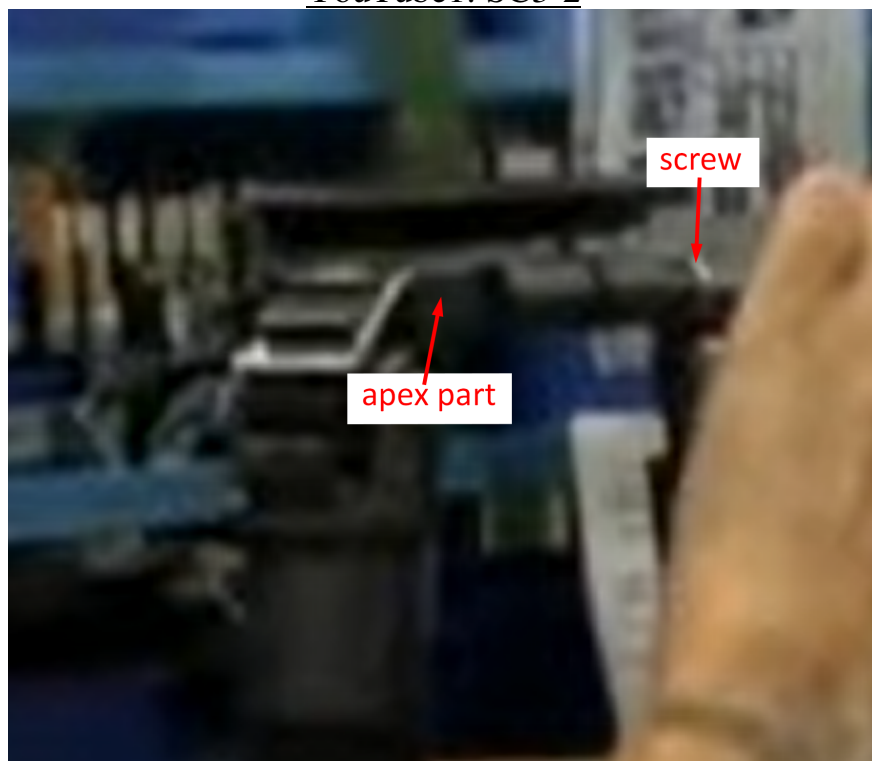


Systematic Tripod – Gitzo 2009, p. 56



24. I compared the third, enlarged screen capture (YouTube1:SC3-2) shown below (annotated) to the second screen capture of YouTube3 video (YouTube3:SC2; *see* Section L *infra*) also shown below (annotated), and they both appear to show the same “apex” tripod part:

YouTube1: SC3-2



YouTube3: SC2

Shooting Videos with a DSLR Camera - English

Gitzo Inspires 1.79K subscribers

152 1:07 / 2:39

screw

apex part

70,285 views Feb 18, 2010

With the ability to shoot video with many new DSLR cameras, the necessary changes in handling them has become evermore important. Professional photographer Bill Frakes, in conjunction with Bogen Imaging (now Manfrotto Distribution), shot a video using a DSLR camera with Manfrotto and Gitzo photography equipment. These were his conclusions:

The new cameras look and feel like traditional still cameras, but handle very differently, especially when shooting video. The weight distribution and focusing techniques involved require a tough, durable, and rock steady platform to shoot with.

When shooting video with the new DSLR cameras like the Nikon D90, I rely heavily on Manfrotto and Gitzo tripods to keep the camera steady and video smooth.

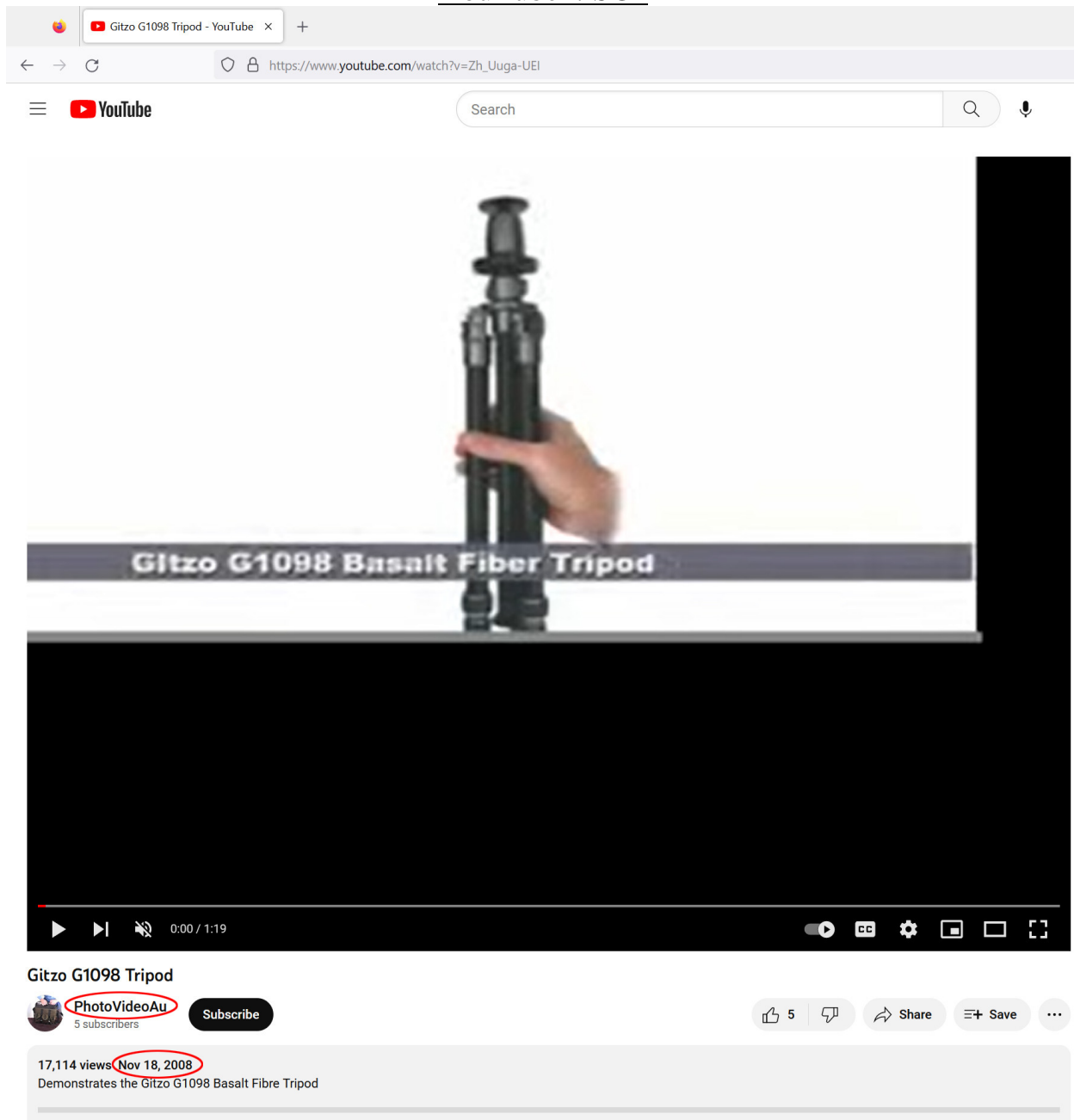
The Manfrotto 700RC2 and the 190XB are an excellent solution for working on the go. The 701HDV is an even more robust head that is still lightweight and very easy to use.

The Gitzo fluid damped 3-way head G2272M is great on the GT3320BS tripod. The G2180 and the G2380 fluid heads are terrific options as well.

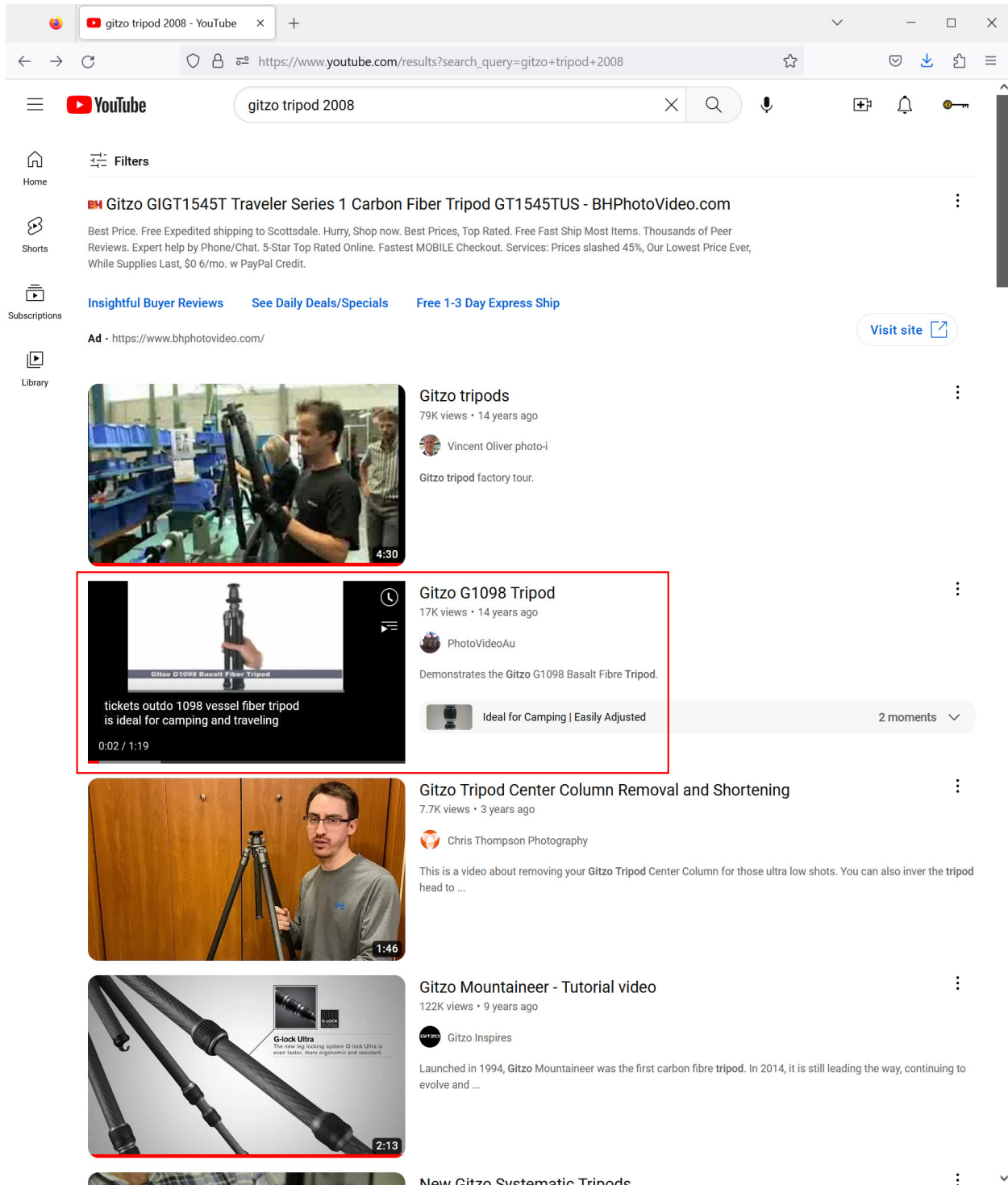
K. EXHIBIT 1007

25. Attached to this declaration as Exhibit 1007 (Leofoto 1007) are a number of screen captures that I took from a YouTube video (“YouTube2” entitled “Gitzo G1098 Tripod”), including a screen capture of the first frame of the video (YouTube2: SC1) shown below (annotated) which lists as the publisher “PhotoVideoAU”, a publication date of November 18, 2008, and a description of “Demonstrating the Gitzo G1098 Basalt Fibre Tripod”:

YouTube2: SC1

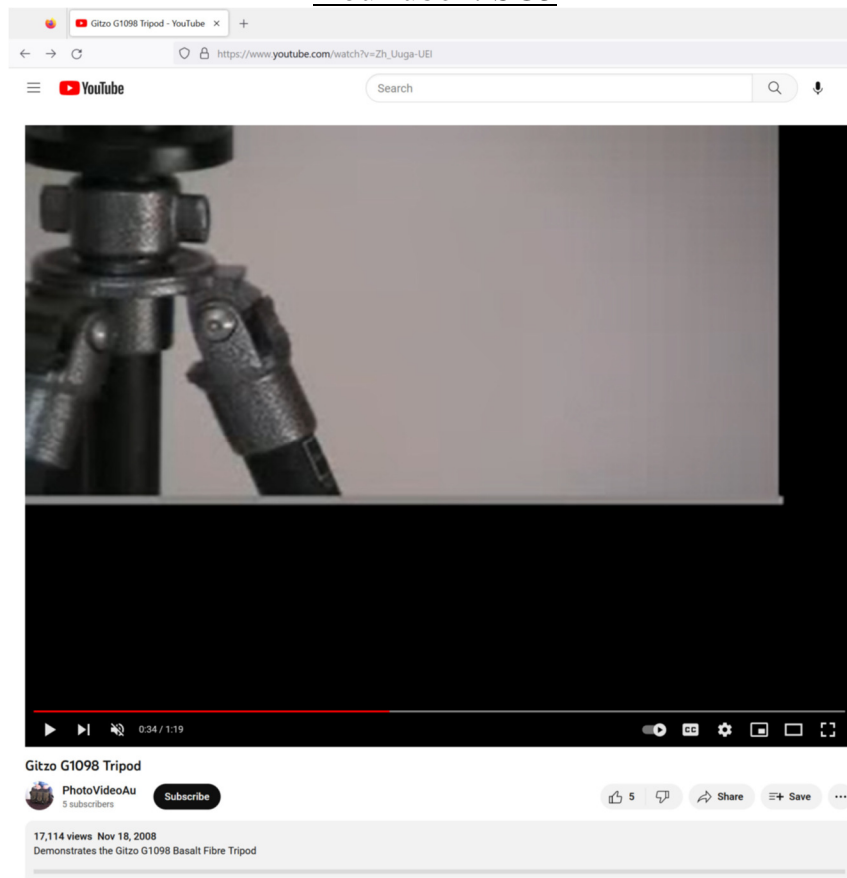


26. I visited the YouTube.com website and in the search bar I searched for “gitzo tripod 2008”. The second search result was the YouTube2 video as shown in the below annotated screen capture:



27. I compared the third screen capture (YouTube2:SC3) shown below to a Basalt collection Gitzo tripod shown on page 34 of the Gitzo 2009 catalog (Ex. 1005) also shown below, and they both appear to show the same “apex” tripod part:

YouTube2: SC3



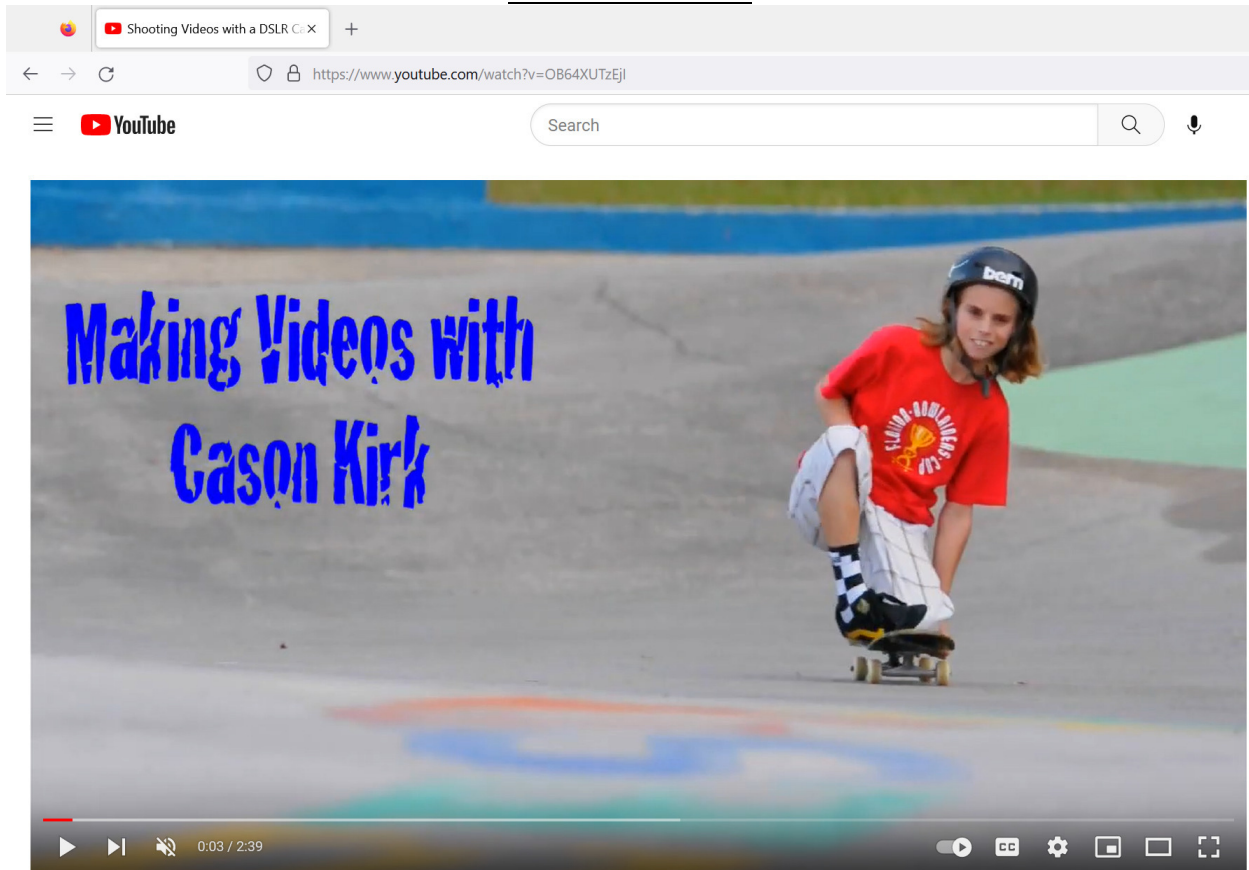
Basalt Tripod – Gitzo 2009, p. 34



L. EXHIBIT 1008

28. Attached to this declaration as Exhibit 1008 (Leofoto 1008) are a number of screen captures that I took from a YouTube video (“YouTube3” entitled “Shooting Videos with a DSLR Camera - English”), including a screen capture of the first frame of the video (YouTube3: SC1) shown below (annotated) which lists as the publisher “Gitzo Inspires”, a publication date of February 18, 2010, and a description including “...The Gitzo fluid damped 3-way head G2272M is great on the GT3320BS tripod...”:

YouTube3: SC1



Making Videos with Cason Kirk

Shooting Videos with a DSLR Camera - English

Gitzo Inspires 1.79K subscribers **Subscribe**

70,285 views **Feb 18, 2010**

With the ability to shoot video with many new DSLR cameras, the necessary changes in handling them has become evermore important. Professional photographer Bill Frakes, in conjunction with Bogen Imaging (now Manfrotto Distribution), shot a video using a DSLR camera with Manfrotto and Gitzo photography equipment. These were his conclusions:

The new cameras look and feel like traditional still cameras, but handle very differently, especially when shooting video. The weight distribution and focusing techniques involved require a tough, durable, and rock steady platform to shoot with.

When shooting video with the new DSLR cameras like the Nikon D90, I rely heavily on Manfrotto and Gitzo tripods to keep the camera steady and video smooth.

The Manfrotto 700RC2 and the 190XB are an excellent solution for working on the go. The 701HDV is an even more robust head that is still lightweight and very easy to use.

The Gitzo fluid damped 3-way head G2272M is great on the GT3320BS tripod. The G2180 and the G2380 fluid heads are terrific options as well.

29. I searched the keywords “GT3320BS tripod” using the Google search engine with the result shown below as an annotated screen capture:

GT3320BS tripod - Google Search

https://www.google.com/search?q=GT3320BS+tripod&sxsrf=APwXEdfSmoD8

Google

GT3320BS tripod

Shopping Images Videos News Maps Books Flights Finance

About 5,120 results (0.66 seconds)

Sponsored · Shop GT3320BS tripod :



Prompter People -
\$489.00
Prompter Pe...
Free by 4...



Prompter People -
\$930.00
Prompter Pe...
Free by 4...



Prompter People - Fluid
\$4,280.00
Prompter Pe...
Free by 4...



Sachtler - Flowtech 75 ...
\$2,025.00
Adorama
★★★★★ (35)



Two Vets Tripods Inc
\$645.00
OpticsPlane...
Free by 4...



B & H Photo Video
https://www.bhphotovideo.com › 611064-REG › Gitz...
Gitzo GT3320BS 2-Section Aluminum Tripod Legs
Buy Gitzo **GT3320BS** 2-Section Aluminum Tripod Legs featuring Series 3 Systematic, Supports 39.6 lbs (18kg), Low Height (3-13.8"/7.5-35cm) Specialist, ...
★★★★★ Rating: 5 · 3 reviews · 30-day returns
You visited this page on 4/8/23.





Amazon.com
https://www.amazon.com › product-reviews
Customer reviews: Gitzo GT3320BS Series 3 Aluminum ...
Find helpful customer reviews and review ratings for Gitzo **GT3320BS** Series 3 Aluminum Systematic 2 Section Baby Tripod with G-Lock at Amazon.com.
Free 30-day returns



photographyreview.com
http://www.photographyreview.com › tripods › tripods
Gitzo GT3320BS Series 3 Aluminum Systematic 2 Section w/G ...
Gitzo **GT3320BS** Series 3 Aluminum Systematic 2 Section w/G-Lock Baby Tripod Tripods.
DESCRIPTION. A great choice for professional equipment, medium format and ...



Amazon.sg
https://www.amazon.sg › Gitzo-GT3320BS-Aluminum...
Gitzo GT3320BS Series 3 Aluminum Systematic 2 Section Baby ...
The **GT3320BS** is a very short and very strong 2 section aluminum tripod. The baby tripod has been specifically developed for naturalistic, wild life and outdoor ...

30. I clicked on the link “B & H Photo Video” shown in the above screen capture with the result shown below as an annotated screen capture, including a description of the tripod as a Gitzo “Series 3 Systematic”:

The screenshot shows the B&H Photo Video website. The browser address bar displays the URL: https://www.bhphotovideo.com/c/product/611064-REG/Gitzo_GT3320BS_GT3320BS. The page header includes the B&H logo, a search bar, and navigation links. A green banner at the top indicates the store is closed for Passover. The main content area features a video chat option and a product listing for the Gitzo GT3320BS 2-Section Aluminum Tripod Legs. The product is marked as "No Longer Available" and has a rating of 3 stars. The key features are listed below the product image.

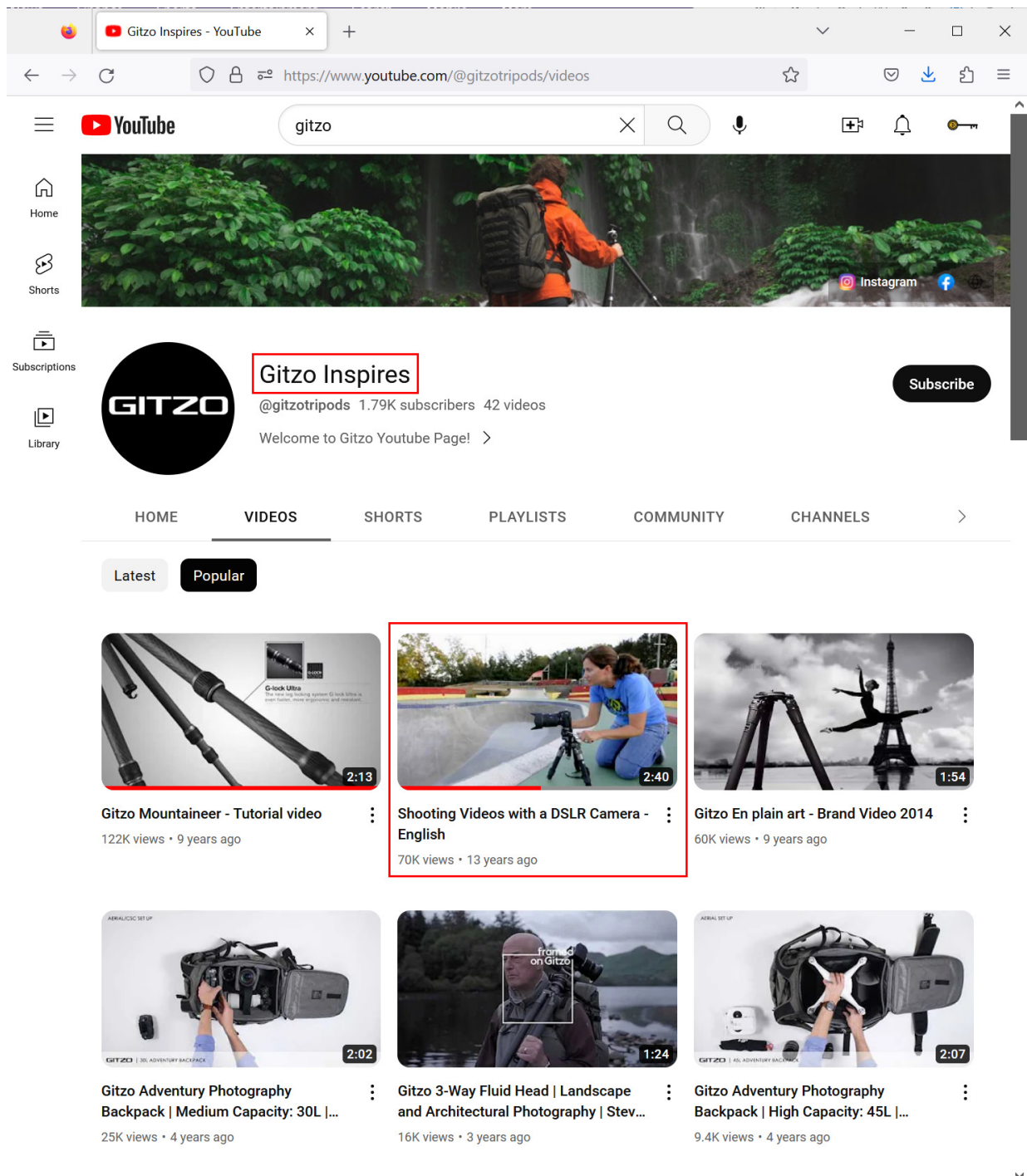
Key Features

- Series 3 Systematic
- Supports 39.6 lbs (18kg)
- Low Height (3-13.8"/7.5-35cm)
- Without Column

The Gitzo GT3320BS Series 3 Aluminum Tripod, part of their interchangeable-crown "Systematic" series, is their low-operating-height specialist. It was an unofficial Gitzo offering for years, now

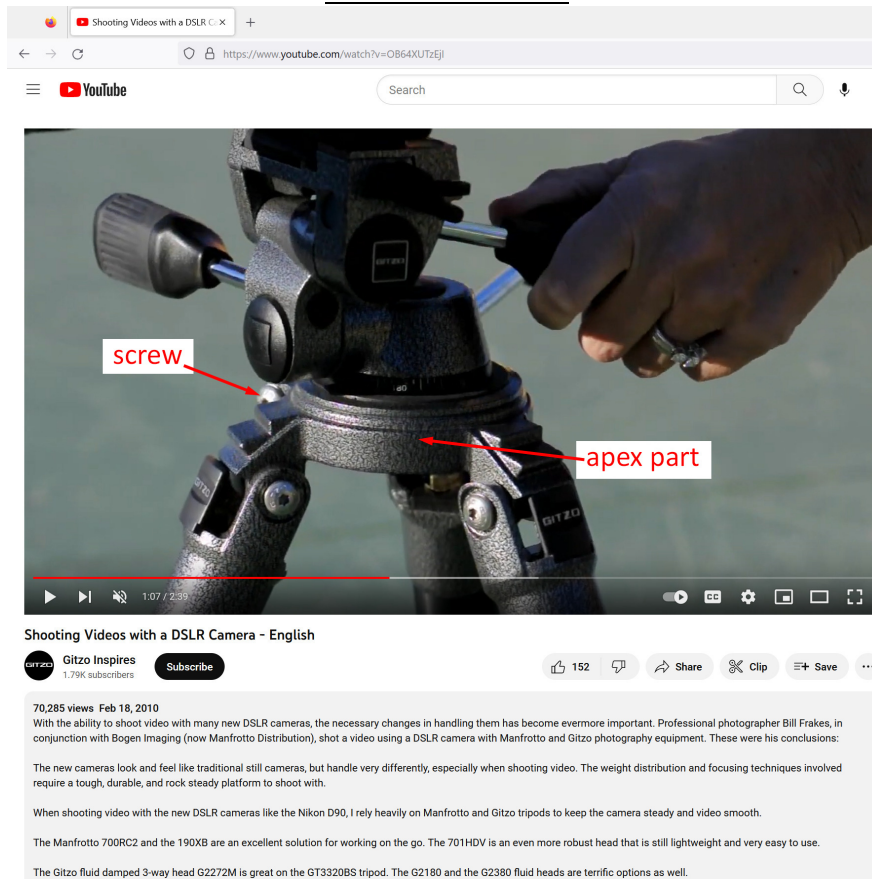
31. I visited the YouTube.com website and in the search bar I searched for “gitzo tripod 2010”. The seventh search result was the YouTube3 video as shown in the below annotated screen capture:

32. I visited the “VIDEOS” tab of the Gitzo YouTube channel “Gitzo Inspires” which, as shown in the annotated screen capture below, includes the published YouTube3 video:

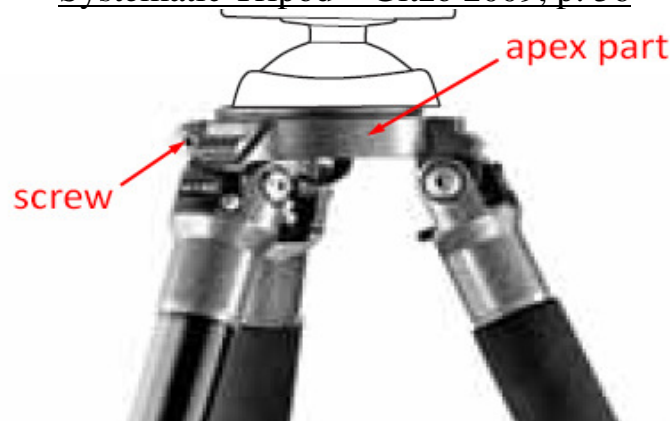


33. I compared the second screen capture (YouTube3:SC2) shown below (annotated) to a Systematic collection Gitzo tripod shown on page 56 of the Gitzo 2009 catalog (Ex. 1005) also shown below (annotated), and they both appear to show the same “apex” tripod part:

YouTube3: SC2



Systematic Tripod – Gitzo 2009, p. 56



34. I compared the second screen capture of the YouTube3 video (YouTube3:SC2) shown above (annotated) to the second screen capture of the YouTube1 video (YouTube1:SC2; *see* Section J.21 *supra*), and they both appear to show the same “apex” tripod part.

35. I compared the second screen capture of the YouTube3 video (YouTube3:SC2) shown above (annotated) to the third, enlarged screen capture of the YouTube1 video (YouTube1:SC3-2; *see* Section J.23 *supra*), and they both appear to show the same “apex” tripod part.

M. EXHIBIT 1009

36. Attached to this declaration as Exhibit 1009 (Leofoto 1009) are a number of screen captures that I took from a YouTube video (“YouTube4” entitled “Really Right Stuff L Plate Advantages”), including a screen capture of the first frame of the video (YouTube4: SC1) shown below (annotated) which lists as the publisher “Really Right Stuff” the owner of record of the ‘037 patent, a publication date of April 9, 2009, and a description including “A brief description on the advantages of a Really Right Stuff L-Plate.” When watching the video, the presenter introduces himself as “Joe Johnson” who is presumably Joseph Johnson, the CEO of Really Right Stuff (owner of the ‘037 patent) and the named co-inventor of the ‘037 patent.

YouTube4: SC1

Really Right Stuff L Plate Advant X

https://www.youtube.com/watch?v=G4iOxH5vyCo

YouTube Search

The video player shows a dark red background with the 'Really Right Stuff' logo (a stylized 'R' inside a circle) and the text 'Really Right Stuff your camera support experts'. Below this, the title 'L-plate Tutorial' is displayed in large white letters. The video progress bar is at 0:00 / 2:18.

Really Right Stuff L Plate Advantages

Really Right Stuff
7.22K subscribers

Subscribe

189 | | Share | Clip | ...

102,566 views Apr 9, 2009

A brief description on the advantages of a Really Right Stuff L-Plate.

37. The fourth screen capture of the YouTube4 video (YouTube4: SC3-1) annotated below shows Mr. Johnson demonstrating camera equipment using a Gitzo Systematic collection tripod. The Gitzo Systematic tripod shown in the below annotated screen capture appears to be the same as the Gitzo Systematic tripod shown in the above screen captures (*see* Section J.21-24 *supra*). In addition, in a letter dated April 9, 2023 sent from the attorney (Kevin Russell) for the Patent Owner and addressed to me, Mr. Russell stated: “[Y]our letter of April 4, 2023, merely identifies a prior-art Gitzo tripod used in a video by Joe Johnson of Really Right Stuff.” This statement is an admission by the Patent Owner that the tripod used in Mr. Johnson’s YouTube video (YouTube4) is in fact a Gitzo tripod.

YouTube4: SC3-1

Really Right Stuff L Plate Advant X

https://www.youtube.com/watch?v=G4iOxH5vyCo

YouTube Search



Really Right Stuff L Plate Advantages

Really Right Stuff
7.22K subscribers

Subscribe

189 | | Share | Clip | ...

102,566 views Apr 9, 2009

A brief description on the advantages of a Really Right Stuff L-Plate.

38. The eighth screen capture of the YouTube4 video (YouTube4: SC5-1) annotated below shows Mr. Johnson demonstrating camera equipment using a Gitzo Basalt collection tripod. The Gitzo Basalt tripod shown in the below annotated screen capture appears to be the same as the Gitzo Basalt tripod shown in the above screen captures (*see* Section K.27 *supra*). In addition, in a letter dated April 9, 2023 sent from the attorney (Mr. Russell) for the Patent Owner and addressed to me, Mr. Russell stated: “[Y]our letter of April 4, 2023, merely identifies a prior-art Gitzo tripod used in a video by Joe Johnson of Really Right Stuff.” This statement is an admission by the Patent Owner that the tripod used in Mr. Johnson’s YouTube video (YouTube4) is in fact a Gitzo tripod.

YouTube4: SC5-1

Firefox Really Right Stuff L Plate Advant X +

← → ↻ https://www.youtube.com/watch?v=G4iOxH5vyCo

☰ YouTube Search



Gitzo Basalt Tripod

1:38 / 2:18

Really Right Stuff L Plate Advantages

 Really Right Stuff
7.22K subscribers

Subscribe

👍 189 🗨

🔗 Share

✂ Clip

⋮

102,566 views Apr 9, 2009

A brief description on the advantages of a Really Right Stuff L-Plate.

N. CLAIM 1 AND 18 EMAIL CORRESPONDENCE

39. In a letter dated April 9, 2023 sent from the attorney (Kevin Russell) for the Patent Owner and addressed to me, Mr. Russell stated: “Upon further review of the ‘000 publication, we agree with your position that the drawings of the ‘000 publication itself shows that the pivot point is at an ‘off-center’ location.” This statement is an admission by the Patent Owner that Yang anticipates at least claims 1 and 18 of the ‘037 patent.

I declare, under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Executed on April 13, 2023

/Howard H. Sheerin/
Howard H. Sheerin