

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP
Petitioner,

v.

BRAGI GmbH,
Patent Owner.

Case IPR2023-00901
Patent 10,635,385

**DECLARATION OF MARTIN STEINER
UNDER 37 C.F.R. § 1.131**

I, Martin Steiner, declare:

1. I am a citizen of Germany and am over 21 years of age and in all respects fully competent to make this Declaration. I make this Declaration based on facts within my personal knowledge, and if called as a witness, I could and would competently testify to the matters set forth herein.
2. I was the User Experience (UX) lead at Bragi GmbH from October 2014 to January 2021. I was brought on at Bragi to design and develop the way users would experience and control the wireless earbuds. One of these functionalities I worked to develop was the mobile application for interacting with the wireless earbuds. Some of this functionality is claimed in U.S. Patent No. 10,635,385 (the “’385 Patent.”)
3. Bragi launched its Kickstarter Campaign for The Dash wireless earbuds before I joined Bragi. The idea of wireless earbuds had been conceived generally, including the big picture idea that there would be a mobile phone application for interfacing with The Dash.¹ This application was pitched through the campaign as a “stretch goal” on February 14, 2014, should the campaign raise \$1,500,051.
4. Upon onboarding in October 2014, I worked to conceptualize how the application would work and began the design and testing process. By December 2014, I had developed the system architecture for the subject matter claimed in the ’385 Patent. On February 11, 2015, I published a video to the Kickstarter campaign where I can be seen on video demonstrating how the prototype application worked.² In the background of this video are all of the images of the app development we had been working on since early October of 2014. This update included a link to an online prototype where backers of the Dash could

¹ <https://www.kickstarter.com/projects/hellobragi/the-dash-wireless-smart-in-ear-headphones/posts/747956>

² <https://www.kickstarter.com/projects/hellobragi/the-dash-wireless-smart-in-ear-headphones/posts/1132497>

see how the application would work. The functionalities displayed in this post are claimed by the '385 Patent. Specifically, the application displayed on a screen a user interface for use by a user of The Dash to interact with the wireless earbuds, and the user interface displayed a visual representation of the wireless earbuds including an indication of a function or property of the wireless earbuds (the battery charge percentage).

5. I am familiar with the exhibit filed as Ex. 2006. I am the individual present and speaking about The Dash in this video, including speaking about the mobile application which is the subject of the claims of the '385 Patent.

6. The Dash, and specifically the mobile application for interacting with The Dash, was widely praised in the industry. For example, one article published on January 8, 2015 by a prominent technology blogger praises the Bragi and The Dash after the author was able to test The Dash at CES. This article both displays images of the software application (demonstrating the claimed invention of the '385 Patent) and boasts that he “was impressed with how polished the app look[ed].”³ I recall many in the industry being impressed with the functionality of the application as claimed in the '385 Patent.

7. I developed the invention claimed in the '385 Patent in my capacity as a Bragi employee.

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

Executed on this 30th day of January 2024

DocuSigned by:

CB5D06197B89454...

Martin Steiner

³ <https://www.dcrainmaker.com/2015/01/the-dash-bragi-update.html>