

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASKELOADDEN, L.L.C.,

Petitioner,

v.

OHVA, INC.,

Patent Owner.

Case No. IPR2023-00921

U.S. Patent No. 9,679,286

DECLARATION OF DONALD R. BOYS

I, Donald R. Boys, US Patent Practitioner, registration number 35,074, do hereby declare as follows:

1. My firm, Central Coast Patent Agency, LLC, filed on 3.29.2017 a response to a Final office action issued 1/20/2017 in application 14636674. The response document is a Word file with filename 1987.02oar5. A true and correct copy of this response document is submitted as EX2002.
2. This document 1987.02oar5 does *not* show as having been filed in the transaction record for this application in the USPTO database. The transaction record *does* show a Notice of Allowance and Issue Fee Due, which includes a Notice of Allowability, that states that the Notice of Allowance and Allowability is in response to communication from the applicant on 3.29.2017. It may be seen that there is *no* entry of a communication from the applicant on that date in the USPTO transaction record for this application.
3. I declare that the document 1987.02oar5, submitted herewith as EX2002, is the document referred to in the Notice of Allowance and Allowability as the communication from the applicant.
4. In further support of this fact it may be seen that the response document 1987.02oar5, submitted herewith as EX2002, indicates an amendment in claim 1, deleting a word "in" and substituting "to" therefor. It may be seen by all that the issued patent 9679286 *shows* this amendment, which could not be possible unless the examiner in this case received response 1987.02oar5 and made the change in the standing claim.
5. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. See 18 U.S.C. § 1001.

Date: September 10, 2023

Respectfully Submitted,

/s/ Donald R. Boys
Donald R. Boys