

UNITED STATES PATENT AND
TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OPTICIS CO., LTD

Petitioner,

v.

INNEOS LLC,

Patent Owner.

Case No. IPR2023-01256
U.S. Patent No. 7,198,416

**DECLARATION OF SCOTT FLUEGEL IN SUPPORT OF PATENT
OWNER'S RESPONSE TO PETITION**

I, Scott Fluegel, hereby declare and state the following:

1. I am over the age of 18 years, I am a citizen of the United States, and I have personal knowledge of the facts recited herein and could testify competently thereto.

2. I work at Inneos as a Senior Engineer. I have worked at Inneos and its predecessors continuously since 2004. In this role, I am familiar with optical and mechanical files and the associated software. In particular, I am familiar with ProE and Zemax software.

3. On April 19, 2024, I met with Curtis Ray and Eric Grann, two co-inventors of U.S. Patent No. 7,198,416 (“the ’416 Patent”), over video chat to help confirm the facts alleged in Mr. Ray’s and Mr. Grann’s declarations in support of Inneos’ Patent Owner Response to the Petition for *Inter Partes* Review of the ’416 Patent.

4. Because Mr. Ray no longer works at Inneos, I helped him view his old files in relation to the conception and reduction to practice of the ’416 Patent by locating the files and opening them in ProE.

5. At all operable times, I shared my screen so everyone could see what I was seeing and doing.

6. At Mr. Grann’s direction, I located the “Single Lens LX4 coupler1” ZMX file. The file is currently saved within Inneos’ system under Product Development, Product Design, Optical Designs, Optical Layout. A screenshot of the Windows file explorer window showing the “Single Lens LX4 coupler1” ZMX file and its date modified is saved as EX2043.

7. At Mr. Ray’s direction, I opened the “Single Lens LX4 coupler1” ZMX file to view its contents so Mr. Ray could confirm that it relates to the conception

and reduction to practice of the '416 Patent. A screenshot of the contents of "Single Lens LX4 coupler1" ZMX file is saved as EX2042.

8. The modified date shows January 9, 2004. EX2043. This tells me the file was last modified on or around January 9, 2004.

9. When I opened the "Single Lens LX4 coupler1" file at his direction on April 19, 2024, the software reported an error message that its data was outside the operable range and that it was unable to use the model's 1300nm wavelength because it is outside the material range. When I clicked OK, the software allowed us to view the original file. At my direction, I changed the wavelength from the impermissible 1300nm to 850nm, and the software generated a clear view of the model. EX2042.

10. At Mr. Ray's direction, I opened the "1: 3D Layout" window to view the model. The software automatically populated the day's date in the window. *See* EX2042. Regardless of the date shown in the screenshot, the metadata for the file shows it was last modified on January 9, 2004, as seen in the screen shot submitted as a part of the file history, EX1002 p. 83, and re-captured today, EX2043.

11. Next, at Mr. Ray's direction, I located several mechanical models associated with the integrated housing unit of the '416 Patent. The files are named "straightmux" "straightmuxsec," "ceramic," "ymux," and "ymuxxsec." EX2027–2031. The original files are saved on a CD. The files named "straightmux," "straightmuxsec," and "ymuxxsec" were last modified on or about October 16, 2003. EX2033. The file named "ceramic" was last modified on July 18, 2003. EX2044. The file named "ymux" was last modified on July 21, 2003. EX2044.

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

Executed on this 23th day of April, 2024.

By: 
Scott Fluegel