

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOWARD INDUSTRIES, INC.

Petitioner,

v.

CAPSA SOLUTIONS LLC

Patent Owner.

U.S. Patent No. 7,594,668

Filing Date: August 18, 2008

Issue Date: September 29, 2009

U.S Patent No. 8,215,650

Filing Date: July 20, 2011

Issue Date: July 10, 2012

Case Nos. IPR2023-01274, IPR2023-01275

DECLARATION OF CRAIG RYDINGSWARD

I, Craig Rydingsward, declare as follows:

1. I have personal knowledge of the matters set forth herein.
2. I am a Senior Vice President of Capsa Healthcare (herein “Capsa”).
3. Capsa is in the business of designing and manufacturing medical carts commonly used in hospitals, medical clinics, and care facilities across the USA.
4. I have personally been involved with the sales of medical carts in my time at my former employer Rubbermaid, and for the past several years with Capsa. For over 17 years of my career I have been directly involved with medical cart design, manufacturing, and sales. I am personally aware of both the ‘668 and ‘650 patents that are the subject of the ongoing IPR proceedings, and the actual medical carts sold previously by Rubbermaid and now manufactured and sold by Capsa, that embody those patented features.
5. Hospitals and medical clinics/care facilities commonly use sloped floors (instead of steps) for wheelchair access.
6. Hospitals and medical clinics/care facilities commonly use elevators to access different floors of a medical facility. Such elevators have a threshold entrance area between the hallway where the elevator opens on a given floor and the inside of the elevator cabin.

7. Hospital exam rooms, surgery rooms, and patient rooms, and medical clinics/care facilities exam rooms and patient rooms sometimes have thresholds at the entrance of the room between the inside of the room and the hallway just outside the room.
8. Thresholds of the varieties mentioned above in items 6 and 7, may comprise uneven surfaces over which medical carts traverse. Medical carts also encounter and must sometimes traverse sloped floors as mentioned above in item 5.
9. Underwriters Labs (“UL”) offers a certification for medical carts known as UL60601 certification.
10. Capsa medical carts are put through stringent testing by UL to achieve UL60601 certification.
11. Many of Capsa’s customers buy Capsa medical carts because they are recognized as safe and not prone to tip over, as evidenced by being UL60601 certified. I have spoken with countless Capsa customers over the years about Capsa medical carts at trade shows, at customer locations, and via phone. I know, firsthand, that customers appreciate and respect and purchase in many instances a Capsa cart over other carts because of the UL60601 certification. I am convinced that the commercial success of our

patented Capsa carts (e.g., M38, M48 (Carelink) is largely due to fact that these carts have height adjustable compartments yet are UL60601 certified.

12. UL60601 testing includes instability testing, assessing the risk of the medical cart tipping over in various settings where such carts are used.
13. Because Capsa medical carts are designed in a way to achieve a lower center of gravity and better weight distribution, they are less prone to tip over when pushed down a sloped hallway floor or across a room threshold or elevator threshold.
14. Capsa medical carts have a lower center of gravity and better weight distribution mostly due to the placement of drawer(s)/compartment(s) on the front/forward portion of the adjustable height mechanism, below the work surface of the cart, rather than placement on top of the height adjustment mechanism. Merely adding extra weight near the bottom of a cart to make it heavier or making the base wider, which were the conventional solutions prior to the invention of the '650 and '668 patents, may make it less inclined to tip but also makes the carts heavier to move and more difficult to maneuver. Instead of adding unnecessary weight, by distributing components of the carts and configuring them in such a novel way to keep a lower center of gravity and to evenly distribute and balance the carts, the patented Capsa carts are safe and effective yet still easy to maneuver.

15. Moving the compartment(s)/drawer(s) forward of the height adjustment mechanism, as opposed to mounting them on top of the height adjustment mechanism, helps to lower the center of gravity, increase the stability of the carts and allows the drawers to be included in the height adjustable workstation. As noted above, this placement of the drawer(s)/compartments(s) in the front of the height adjustment mechanism is a major reason Capsa carts sell so well.

16. By having better weight distribution and a lower center of gravity the medical carts are less prone to tip when pushed across a floor or threshold.

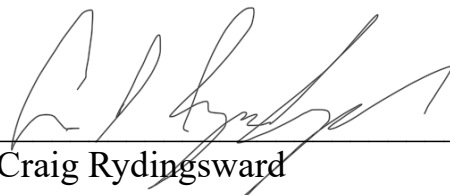
17. I also have learned that customers of Capsa medical carts prefer having the drawer(s)/compartment(s) as part of the height adjustable work platform as it allows nurses to not only raise and lower the work surfaces and keyboard tray to the nurse's preferred height but it also allows the raising of the drawer(s)/compartment(s) simultaneously as the height adjustment mechanism is raised. This ergonomic feature is very beneficial as it reduces the effort and strain on the bodies of hospital/care facility staff.

18. To the best of my knowledge, prior to the invention of the '668 and '650 Patents, nobody in the medical cart industry had carts with compartments contained in the portion of the work platform projecting from the height adjustment mechanism in the front direction. After Rubbermaid filed the

patent applications that issued into the '668 and '650 Patents and after Rubbermaid started commercially selling medical carts incorporating the patented features, all of the major players in the medical cart industry, including Capsa, Enovate Medical, LLC, and Howard (Petitioner), copied the patented features and started commercially selling medical carts having compartments/drawers contained in the portion of the work platform projecting from the height adjustment mechanism in the forward direction.

I, Craig Rydingsward, declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this _28_ day of May, 2024.



Craig Rydingsward