UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SRAM, LLC,

Petitioner,

v.

FOX Factory, Inc.,

Patent Owner.

Case No. IPR2023-01301
U.S. Patent No. 9,739,331 B2

DECLARATION OF RICHARD B. WALSH, JR. IN SUPPORT OF PETITIONER SRAM, LLC'S MOTION FOR ADMISSION *PRO HAC VICE*

DECLARATION OF RICHARD B. WALSH, JR.

Being of legal age, I, Richard B. Walsh, Jr., declare and state as follows:

1. I am over the age of twenty-one (21) and have personal knowledge of the facts stated herein. I am a Member and the Chairman of the law firm Lewis Rice LLC.

2. I am a member in good standing of the Missouri and Illinois Bars. My Missouri Bar number is 33523MO and my Illinois Bar number is 6187007IL. I am a member in good standing of the bars of the U.S. Supreme Court, the U.S. Court of Appeals for the Federal, Fifth, Seventh, Eighth and Ninth Circuits, the U.S. Tax Court, and the U.S. District Courts for the Eastern and Western Districts of Missouri as well as the Southern and Northern Districts of Illinois.

3. I have never: (a) been suspended or disbarred from practice before any court or administrative body; (b) had any court or administrative body impose sanctions or contempt citations against me; or (c) had a court or administrative body deny my application for admission to practice.

4. The Board has previously granted each of my applications to appear *pro hac vice* in six prior cases on behalf of SRAM, LLC ("SRAM"), including in IPR2016-01876, IPR2017-00118, IPR2017-00472, IPR2017-01440, IPR2022-

00078, and IPR2022-00082. Two of those granted *pro hac vice* applications occurred within the last three years, namely in IPR2022-00078 and IPR2022-00082.

5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in 37 C.F.R. Part 42. I further agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq*. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

6. I am an experienced litigation attorney, with experience in numerous patent infringement cases in federal district courts. My experience includes fact and expert document and deposition discovery, claim construction, *Markman* hearings, motion practice, and trials and hearings. I have litigated intellectual property matters and patents for over forty (40) years.

7. I am lead counsel for SRAM in the co-pending district court litigation captioned *FOX Factory, Inc. v. SRAM, LLC*, Case No. 23-cv-00313-RM-KAS, in the United States District Court for the District of Colorado ("the FOX Factory Patent Suit"). SRAM filed this Petition for *inter partes* review challenging the patentability of U.S. Patent No. 9,739,331 B2 ("the '331 patent") in response to FOX's assertion of the same patent against SRAM in the FOX Factory Patent Suit.

8. I have been actively involved in the co-pending FOX Factory Patent Suit (in which FOX has asserted the same '331 patent at issue in this IPR

proceeding). As a result, I have closely studied and am thoroughly familiar with the '331 patent, the prior art asserted against the '331 patent (as identified in this IPR proceeding and the FOX Factory Patent Suit), and the vehicle forks with air bleeds at issue in these proceedings. For example, I have been heavily involved in preparing SRAM's non-infringement and invalidity positions in the district court, analyzing the terms of the '331 patent, and reviewing the '331 patent and technical aspects of the air bleed products with a retained expert as well as experienced engineers.

9. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: October 3, 2023

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