

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HILTI AKTIENGESELLSCHAFT,
Petitioner,

v.

SPECIFIED TECHNOLOGIES INC.,
Patent Owner.

Case No. IPR2024-00193
Patent No. 10,143,868

**DECLARATION OF AUSTEN C. ENDERSBY
IN SUPPORT OF PATENT OWNER'S PRELIMINARY RESPONSE**

I, Austen C. Endersby, declare as follows:

1. I am a partner at the law firm Fox Rothschild LLP, and I am one of the attorneys representing Specified Technologies Inc. (“STI”) in three actions in the United States District Court for the District of Delaware styled *Hilti Aktiengesellschaft v. Specified Technologies Inc.* (C.A. Nos. 22-1248-CJB, 22-1383-CJB, and 23-244-CJB). I have first-hand knowledge of the information stated in this Declaration, which I submit in support of Patent Owner’s Preliminary Response.

2. C.A. No. 22-1248-CJB pertaining to U.S. Patent No. 10,143,868 (among others) has been vigorously litigated since at least November 2022. Since the onset of this case, the parties have engaged in significant discovery. For example, the parties have exchanged over 38,000 documents, taken five depositions (including four expert depositions), and noticed at least one other deposition with other depositions likely in short order.

3. STI has also engaged and started to work with its experts on claim construction and other substantive issues.

4. The parties have also engaged in motion practice in C.A. No. 22-1248-CJB, including: (1) STI’s cross motion to sever and consolidate (D.I. 18 in 23-244, which the District Court also considered to have been filed in C.A. No. 22-1248-CJB (*see* D.I. 72)); (2) STI’s motion to dismiss (D.I. 21); (3) STI’s motion for

judgment on the pleadings (D.I. 29); (4) STI's motion for leave to amend defenses and counterclaims (D.I. 69); (5) Hilti's motion for leave to amend its complaint (D.I. 73); (6) Hilti's motion to sever and to stay pending IPR (D.I. 121); and (7) Hilti's motion to supplement infringement contentions (D.I. 124). The District Court has issued four substantive orders relating to these motions (D.I. 72, D.I. 154, D.I. 155, D.I. 160). The District Court has also ruled on other motions related to amending contentions. Additional motion practice continues before the District Court.

5. In addition to the motions the District Court has already ruled on, the parties have exchanged multiple rounds of claim construction briefing, which will be completed on March 4, 2024. The hearing on claim construction is scheduled to take place on April 24, 2024, and a *Markman* decision is expected to issue shortly thereafter.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 26, 2024

/s/ Austen C. Endersby

Austen C. Endersby (DE No. 5161)

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