

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOWMAR ARCHERY LLC., Petitioner,

v.

VETERAN'S INNOVATIVE PRODUCTS, LLC, Patent Owner

***Inter Parties* Review No.: IPR2024-00401**

Patent No.: 8,043,177

Filing Date: July 7, 2008

Issue Date: October 25, 2011

Declaration of Matthew Futtere

I, Matthew Futtere, declare as follows

1. I am the owner of U.S. Pat. No. 8,043,177 (the '177 Patent).

2. I am high school graduate and veteran of the U.S. Navy. I started designing, manufacturing, and selling broadheads in 2003 as a hobby business. In 2013, I began focusing exclusively on the broadhead business.

3. I am the inventor of numerous patents and applications in the broadhead industry. The following list are my issued patents:

- a. U.S. Pat. No. 7,311,622 B1 – Wire Broadhead Apparatus and Method
- b. U.S. Pat. No. 7,393,295 - Broad head blade and air flow equalizer apparatus and method
- c. U.S. Pat. No. 8,105,186 – Reversible cutting apparatus and method
- d. U.S. Pat. No. 8,182,378 - Compressible Cutting Width Broadhead Apparatus and Method
- e. U.S. Pat. No. 11,448,492 - Broadhead Blade Lock and Release Apparatus and Method
- f. U.S. Pat. No. 11,549,791 - Broadhead Blade Impact Energy Transfer Apparatus and Method
- g. U.S. Pat. No. 11,774,222 - Alternative Broadhead Blade Lock and Release Apparatus and Method

h. U.S. Pat. No. 11,852,454 - Broadhead Blade Gravity Lock and
Inertia Release Apparatus and Method

4. I am the sole owner of Veteran Innovative Products, LLC and ARROWDS, LLC. Through Veteran Innovative Products, LLC, I have designed, developed, consulted, patented, manufactured, and sold broadheads for the last 21 years.

5. I have had numerous professional interactions with Todd Kuhn over the last 18 years. Kuhn owned and/or operated 2XJ Enterprises/Crimson Talon broadheads that sold broadheads and competed directly with Veteran Innovative Products, LLC.

6. In or around 2005, Kuhn, through one of his archery related companies, sent a cease-and-desist letter asserting one of my products, the Atom Razorwire broadhead, infringed one of his patents (U.S. Pat. No. 6,918,848). Veteran Innovative Products, LLC responded to the allegation of infringement that Kuhn was not properly comparing the claims of his '848 Patent correctly as it applied to the allegedly infringing broadhead manufactured by Veteran Innovative Products. Kuhn dropped the matter and did not file a lawsuit.

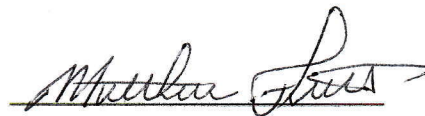
7. While Kuhn states he operated the two companies referenced in his declaration until 2012, Kuhn acknowledges he sold broadheads under the name "Crimson Talon." Crimson Talon broadheads are still being offered for sale in the U.S. and it is likely Kuhn retains some form of financial benefit for sales of Crimson Talon

broadheads. Even if a company is sold in the archery business, it is not uncommon for the previous owner, and owner of patents, to receive residual income through royalties. Based on information and belief, Kuhn still has a financial interest in the archery industry and may profit if Petitioner is successful in invalidating the '177 Patent.

8. In 2023, Petitioner conducted a six-month long negotiation with Veteran Innovative Products, LLC to purchase multiple patents including the '177 Patent from myself and my companies. Petitioner, through its principal Josh Bowmar, made statements that he needed to own the '177 Patent so that Petitioner's new broadhead would not infringe. Instead of pursuing and closing the purchase agreement in good faith, Petitioner elected to pursue this *Inter Partes* review.

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

Dated: APRIL 8, 2024

A handwritten signature in black ink, appearing to read "Matthew Futtere", written over a horizontal line.

Matthew Futtere