

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FOX Factory, Inc.,

Petitioner,

v.

SRAM, LLC,

Patent Owner.

U.S. Patent No. 10,328,993 B2

Filing Date: December 30, 2014

Issue Date: June 25, 2019

Title: BICYCLE STEERER TUBE WITH VARIANT STIFFNESS

Case No. IPR2024-00491

**SECOND DECLARATION OF MICHAEL H. DURBIN
IN SUPPORT OF PATENT OWNER SRAM, LLC'S
SUR-REPLY IN SUPPORT OF ITS PRELIMINARY RESPONSE**

DECLARATION OF MICHAEL H. DURBIN

Being of legal age, I, Michael H. Durbin, 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 of the law firm of Lewis Rice LLC and back-up counsel for SRAM, LLC (“SRAM”) in the instant IPR Proceeding. I have personal knowledge of the facts set forth in this declaration and, if called upon to do so, I would testify competently thereto.

2. This declaration is in support of Patent Owner SRAM’s Sur-Reply in support of its Preliminary Response to Fox Factory, Inc.’s (“Fox”) Petition for *Inter Partes* Review.

3. Exhibit 2010 is a true and correct copy of Thomson Reuters’ Westlaw Litigation Analytics Report for the Honorable Judge Steve C. Jones.

4. Exhibit 2011 is a true and correct copy of the Joint Preliminary Report and Discovery Plan dated April 17, 2023, *SRAM, LLC v. Fox Factory, Inc.*, Case No. 1:23-cv-00492-SCJ, in the United States District Court for the Northern District of Georgia.

5. Exhibit 2012 is a true and correct copy of an email exchange between Counsel for Patent Owner and Counsel for Petitioner from March 7, 2024 through March 15, 2024.

6. Exhibit 2013 is a true and correct copy of an email exchange between Counsel for Patent Owner and Counsel for Petitioner from June 4, 2024 through June 14, 2024.

7. In the parallel proceeding in the United States District Court for the Northern District of Georgia (*SRAM, LLC v. Fox Factory, Inc.*, Case No. 1:23-cv-00492-SCJ), no trial date has been set, but the parties are progressing through discovery, with less than approximately three weeks remaining for discovery.

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

Date: June 19, 2024

/s/ Michael H. Durbin
Michael H. Durbin