

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FOX Factory, Inc.,

Petitioner,

v.

SRAM, LLC,

Patent Owner.

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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

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Case No. IPR2024-00491

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**THIRD DECLARATION OF MICHAEL H. DURBIN  
IN SUPPORT OF PATENT OWNER SRAM, LLC'S  
PATENT OWNER 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 Patent Owner Response to Fox Factory, Inc.’s (“Fox”) Petition for *Inter Partes* Review.

3. Exhibit 2016 is a true and accurate copy of the Hightower Frame and Bicycle Product Sale Listing, available at <https://www.santacruz bicycles.com/en-US/bikes/hightower> and last accessed on October 23, 2024.

4. Exhibit 2017 is a true and accurate copy of the “1120 Frameset” Product Sale Listing, available at [https://www.trekbikes.com/us/en\\_US/bikes/bikepacking-touring-bikes/1120/1120-frameset/p/35920/?colorCode=bluedark](https://www.trekbikes.com/us/en_US/bikes/bikepacking-touring-bikes/1120/1120-frameset/p/35920/?colorCode=bluedark) and last accessed on October 23, 2024.

5. Exhibit 2018 is a true and accurate copy of the Order, dated September 27, 2024, in *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.

6. Exhibit 2019 is a true and accurate copy of the Deposition of Dr. Alexander Slocum, dated October 23, 2024.

7. Exhibit 2020 is a true and accurate copy of U.S. Patent Publication No. 2014/0145413 A1 to Baltaxe et al.

8. Exhibit 2021 is a true and accurate copy of the Declaration of Dr. Kim Parnell, dated October 31, 2024.

9. Exhibit 2022 is a true and accurate copy of the Joint Claim Construction Statement, dated July 8, 2024, *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.

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: October 31, 2024

/s/ Michael H. Durbin  
Michael H. Durbin