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. 7,147,207 B2

Filing Date: November 4, 2004

Issue Date: December 12, 2006

Title: ACTUATOR APPARATUS FOR CONTROLLING A VALVE MECHANISM OF A SUSPENSION SYSTEM

Case No. IPR2024-00492

DECLARATION OF MICHAEL H. DURBIN IN SUPPORT OF PATENT OWNER SRAM, LLC'S 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 Preliminary Response to Fox Factory, Inc.'s ("Fox") Petition for *Inter Partes* Review.

3. Exhibit 2001 in the above-referenced proceeding is a true and correct copy of the Order Denying Fox Factory, Inc.'s Motion to Transfer to the Northern District of California and Order to Show Cause as to Why Sanctions Are Not Appropriate, dated March 6, 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.

4. Exhibit 2002 is a true and correct copy of the Thomson Reuters' Westlaw Litigation Analytics Report for the United States District Court for the Northern District of Georgia.

5. Exhibit 2003 is a true and correct copy of the LexisNexis Analytics for the United States District Court for the Northern District of Georgia.

6. Exhibit 2004 is a true and correct copy of the United States Department of Justice District Court Caseload Statistics.

7. Exhibit 2005 is a true and correct copy of the Scheduling Order, dated May 31, 2023, 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.

8. Exhibit 2006 is a true and correct copy of Fox Factory, Inc.'s Brief in Opposition to SRAM's Motion to Stay, dated Jan. 8, 2024, in *Fox Factory, Inc. v. SRAM, LLC*, Case No. 1:23-cv-00313-RM-KAS, in the United States District Court for the District of Colorado.

9. Exhibit 2007 is a true and correct copy of Fox Factory, Inc.'s Preliminary Invalidity Contentions, served on June 16, 2023 (including Exhibits 4 and 5), 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.

10. 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 approximately only two months 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.

May 10, 2024

/s/Michael H. Durbin
Michael H. Durbin