

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NINTENDO CO., LTD., and  
NINTENDO OF AMERICA INC.,  
Petitioners

v.

AMERICAN GNC CORPORATION,  
Patent Owner.

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Case IPR 2024-00667  
U.S. Patent No. 6,508,122 B1

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**DECLARATION OF MATTHEW J. BRIGHAM**

I, Matthew J. Brigham, declare as follows:

1. I am an attorney at the law firm Cooley LLP, lead counsel of record in this action for Petitioners Nintendo Co., Ltd. and Nintendo of America Inc. (collectively, “Petitioner”). I have also been counsel of record in the related district court action from the beginning. I submit this Declaration in support of Petitioner’s Opposition to Patent Owner American GNC’s (“Patent Owner”) Motion for Additional Discovery in the above-captioned IPR (the “motion”).

2. On October 15, 2024, I appeared before the Board on behalf of Petitioner in this action. As I explained at the hearing, “STMicro has not agreed to indemnify us. There was no coordination on IPRs.” (13:13-14). I confirm that both of these statements are still correct.

3. On May 13, 2024, Petitioner also served interrogatory responses in the district court action informing AGNC that “STMicro has not agreed to indemnify Nintendo in this action” and “STMicro had no involvement in the *Inter Partes* Review petitions.” I confirm that both of these statements are still correct.

4. In signing this Declaration, I recognize that the Declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in this proceeding. If required, I will appear for cross-examination at the appropriate time.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements are made on 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 18 U.S.C. § 1001.

Dated: May 23, 2025

Respectfully submitted,

/Matthew J. Brigham/  
Matthew J. Brigham