

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FOIL BOARDING COMPANY, INC.

Petitioner,

v.

MHL CUSTOM, INC.

Patent Owner

U.S. Patent Nos. 9,359,044 and 9,586,659

IPR Case Nos.: IPR2024-00086 and IPR2024-00085

DECLARATION OF CORT LARNED

1. My name is Cort Larned. I have been involved in watersports for 48 years, having started windsurfing in 1976.

2. I am a professional windsurfer and a two-time World Champion in windsurfing, winning the 1978 Windsurfing World Team Championships in Sardinia, Italy and the 1979 individual Overall Windsurfing World Championship in Greece. I also raced in the World Cup circuit from 1983 until 1987. In 2022, I was inducted into the Windsurfing Hall of Fame.

3. I have been a sponsored athlete, having worked with brands including Isuzu, O'Neill Wetsuits, and Fanatic. I was the featured athlete in commercials for Sunkist soda and Pan Am Airlines.

4. After retiring from competition, I started teaching windsurfing. I have extensive instructional experience, including creating an award-winning video series and having permanent instruction locations in Hood River, Maui, and San Francisco.

5. I was an Instructional Editor for Windsurfing Magazine for 10 years.

6. From 1998 to 2009, I worked for Quality Composites, a manufacturing company specializing in composites. I was appointed as CEO in 2004 and served in that role until 2009. Quality Composites made tubing for the bike and auto industries and was the world's largest producer of windsurfing masts.

7. In 2011, I founded 101 Surf Sports, and I continue to own the business. 101 Surf Sports is a full-service watersports retailer located in San Rafael,

California. 101 Surf Sports' initial business involved providing sales, rentals, lessons, and demos for windsurfing, stand-up paddleboarding, kayaking, outrigger canoe, surfing, and surfskiing equipment. 101 Surf Sports is the largest stand-up paddleboard dealer in northern California.

8. I first became aware of eFoils in 2018. At that time, a customer showed me one of MHL's Lift eFoil products. After being shown the Lift eFoil, I tried riding it, and I found it to be a revolutionary and highly refined new product. I was blown away.

9. The Lift eFoil was like nothing else in the market. There was nothing even remotely close to the concept that they came up with. The stability, maneuverability, advanced foils, and power source were different from anything that came before the Lift eFoil. The ease of use and the handheld controller also stood out.

10. Based on my highly positive initial impression after trying the Lift eFoil for the first time, I immediately acquired a Lift eFoil for my personal use.

11. My impression of the Lift eFoils is that they are beautifully refined products that are really stable and well thought out. During hydrofoil operation, because of their stability, the Lift eFoils do the work for you. You can just relax once you are moving at a moderate clip.

12. I also recognized that the Lift eFoil is an incredible tool for teaching people how to foil. The Lift eFoil is easy to teach. It is very accessible and a product that almost anyone can learn to use, which is attributable in large part to its stability. It is also quite fun.

13. Around 2020, shortly after purchasing a Lift eFoil for my personal use, I decided to expand 101 Surf Sports' lesson offerings to include eFoil lessons. I purchased a second Lift eFoil for use in lessons provided by 101 Surf Sports.

14. Over roughly the past four years, at 101 Surf Sports, I have taught over 500 people how to eFoil using Lift eFoil. Each year since 101 Surf Sports started offering eFoil lessons, the number of eFoil lessons provided by 101 Surf Sports has steadily increased.

15. Around 2019, I also decided to start carrying Lift eFoil products for sale and rental at 101 Surf Sports. The eFoil category was a new category and a new market, which had not existed prior to the introduction of the first Lift eFoil. It was a successful addition to 101 Surf Sports' offerings. Each year since 101 Surf Sports started carrying Lift eFoil products, our sales and rental volume has steadily increased.

16. Customers have had overwhelmingly positive reactions to the Lift eFoil products. "Wow" and "cool" are common reactions from customers. Customers also note that the Lift eFoil products are easy to ride. Because the Lift eFoil products are

very stable, most riders can successfully ride the Lift eFoil products after receiving instruction regarding using weight-shifting movements of their lower body for directional control. My experience is that, with proper teaching, anyone that is remotely athletic can ride the Lift eFoil.

17. Due to their accessibility to beginners, which is largely due to their stability, I have also found the Lift eFoil products to be an excellent steppingstone for teaching wing foiling. There is a natural progression from teaching eFoiling, to teaching wing surfing, and finally to teaching wing foiling.

18. I display Lift eFoil products at boat shows and trade shows. I routinely hear positive reactions from people that see the Lift eFoil products at boat shows and trade shows.

I declare under penalty of perjury that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both (18 U.S.C. § 1001).

Dated: February 27th, 2024


Cort Larned