

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

R-PAC INTERNATIONAL CORPORATION,

Petitioner

v.

ADASA INC.,

Patent Owner.

IPR2024-01416
U.S. Patent No. 9,798,967

DECLARATION OF JONATHAN T. SUDER

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Jonathan T. Suder, declare as follows:

1. I make this declaration in support of a motion to be admitted *pro hac vice* as backup counsel for the patent owner in the above-referenced *inter partes* review proceeding, Case No. IPR2024-01416.

2. I am a member in good standing of the State Bar of Texas, the United States Supreme Court, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the Fifth Circuit, the United States Court of Appeals for the Tenth Circuit, the United States Court of Appeals for the Court of Federal Claims, the United States District Court for the District of Colorado, and several other federal courts.

3. I have never been suspended or disbarred from practice before any court or administrative body.

4. I have never had an application for admission to practice before any court or administrative body denied.

5. I have never been sanctioned or cited for contempt by any court or administrative body.

6. I have read and agree to comply with the Office Patent Trial Practice Guide and the Board's Rule of Practice for Trials set forth in 37 C.F.R. part 42.

7. I submit to being subject to the PTO's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* I further submit to being subject to disciplinary jurisdiction of the PTO under 37 C.F.R. § 11.19(a).

8. I have not applied for *pro hac vice* admission in any other PTO proceedings in the last three years.

9. I have an established familiarity with the subject matter of this review as a result of having been counsel for ADASA Inc., the Patent Owner in this IPR proceeding, in several patent infringement litigations asserting infringement of the patent under review in this IPR, U.S. Patent No. 9,798,967 ("the '967 patent"). Specifically, I am lead outside litigation counsel for patent owner, ADASA Inc., in the following concurrently proceeding litigations:

- a. *ADASA Inc. v. CCL Industries Inc. (d/b/a Checkpoint Systems, Inc.)*, Civil Action No. 2:24-CV-08409, pending in the District of New Jersey.
- b. *ADASA Inc. v. R-Pac International LLC (f/k/a R-Pac International Corp. and f/k/a RIC Merger Sub LLC)*, Civil Action No. 1:24-CV-06102, pending in the Southern District of New York.

c. *ADASA Inc. v. SML Intelligent Inventory Solutions LLC and SML (US) Inc.*, Civil Action No. 4:24-CV-370, pending in the Eastern District of Texas.

10. In addition to the foregoing, I was lead outside litigation counsel for patent owner, ADASA Inc., in the following litigation which proceeded through trial, appeal, and a subsequent remand trial:

a. *ADASA Inc. v. Avery Dennison Corp.*, Civil Action No.: 6:17-CV-01685-MK, filed in the District of Oregon, Eugene Division, now closed.

11. My experience in these cases has provided me with a knowledge of the '967 patent, the prior art cited in the petition, and the patentability issues in this review.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the '967 patent.

Dated: October 7, 2024.

By: Jonathan T. Suder