

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ZAXCOM, INC.,

Plaintiff,

v.

No. 1:19-cv-0109 RB-KBM

LECTROSONICS, INC.,

Defendant.

DECLARATION OF GORDON MOORE

I, Gordon Moore, declare and state as follows:

1. I am an adult resident of Rio Rancho, New Mexico. I am presently and have been the president of Lectrosonics, Inc. since before the commencement of the current lawsuit identified in the caption of my declaration, shown above. I make this declaration of my personal knowledge.

2. Lectrosonics ceased to manufacture and sell its PDR product at the end of 2019. It did so for a number of reasons, including but not limited to the threats by Zaxcom, Inc. to assert claims for infringement against Lectrosonics under a new patent then recently issued to it that was not the subject of allegations in the Complaint it had filed in the present lawsuit.

3. Lectrosonics has not manufactured or sold a PDR since the beginning of January 2020. It has no intention to manufacture or sell a PDR product; and did in fact notify its dealers in December 2019 that it was discontinuing the manufacture of the PDR as of the beginning of 2020. See Statement for Lectrosonics Dealers dated December 17, 2019, attached.

I declare, under penalty of perjury, this 26th day of Sept., 2022, that the foregoing is to the best of my knowledge true and correct.


Gordon Moore

RØDE Exhibit 1078
RØDE Microphones, LLC, et al. v. Zaxcom, Inc.
IPR2025-00230

RØDE Exhibit 1044
RØDE Microphones, LLC, et. al v. Zaxcom, Inc.
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web: www.lectrosonics.com - email: sales@lectrosonics.com

December 17, 2019

STATEMENT FOR LECTROSONICS DEALERS

Looking forward to the New Year, we want to give you notice about one imminent change in our product line and to set the stage for the introduction of new products in the coming year. On the heels of continuing expansion of our product lines and growth in revenue, we want everyone to be prepared for more and better from Lectrosonics in 2020.

Lectrosonics' success has not been without bumps in the road. As you may know, Lectrosonics has been sued for patent infringement by Zaxcom, which claimed that the PDR we introduced in 2016 infringed a number of patents Zaxcom had obtained over the past decade. Fighting patent infringement claims is an expensive undertaking, and one which we believe was improperly thrust upon us.

Over the past two years we have challenged the validity of the patents Zaxcom was claiming as the basis of its infringement suit, and also have asserted, based on a careful review, that in any event our PDR did not infringe Zaxcom's patents. Acting in accordance with the patent laws and standard procedures for resolving patent disputes within the U.S. Patent Office, Lectrosonics' efforts have had positive but mixed results. A Patent Office tribunal ruled that the first and primary patent asserted by Zaxcom as the basis of its infringement claims was invalid; but then allowed Zaxcom to amend its patent, which it could then assert as the basis for patent infringement claims in the future. The same result is expected with two other patents asserted by Zaxcom in its lawsuit against us. And Zaxcom has recently obtained a fourth patent, which it may claim has been infringed.

Lectrosonics stands behind its products and holds firm to its belief that its PDR did not infringe Zaxcom's patents. Nonetheless we would prefer to settle matters with Zaxcom, even though it appears likely all three of the patents Zaxcom originally secured are invalid. Lectrosonics has offered to have all Zaxcom's claims submitted to mediation before a qualified and experienced patent mediator, but thus far Zaxcom has not agreed to do so. So, in spite of our continuing belief in the PDR being a high quality product that does not violate any right of Zaxcom, in order to staunch the increasing cost of litigation and avoid any possibility that it owes an obligation to Zaxcom, Lectrosonics has determined that it will discontinue the manufacture and shipping of its PDR effective as of the beginning of the New Year 2020. By this decision it hopes to enter the New Year, with new and improved product lines, and free of the burden of costly litigation.

We look forward to 2020 with continuing growth and increasingly satisfied dealers and customers. This will be an amazing New Year. We wish you a wonderful holiday season!

Best Regards,

Gordon Moore
President, Lectrosonics, Inc.

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