

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FULL-METAL-POWER B.V.,
Petitioner,

v.

INFOCUS DOWNHOLE SOLUTIONS USA LLC,
Patent Owner.

Case IPR2025-00391
Patent No. 10,676,992

**DECLARATION OF ARCHIBALD DELEON CRUZ IN SUPPORT OF
PATENT OWNER INFOCUS DOWNHOLE SOLUTIONS USA LLC'S
REQUEST FOR DISCRETIONARY DENIAL**

I, Archibald Deleon Cruz, declare as follows:

1. I am counsel of record for Plaintiff InFocus Downhole Solutions USA LLC in *InFocus Downhole Solutions USA LLC v. Full-Metal-Power B.V.*, No. 2:24-cv-00875 (E.D. Tex.) (the “District Court Litigation”).
2. I am aware of the filings and communications between the parties’ counsels in the District Court Litigation. The Electronic Case Filing (“ECF”) numbers used herein refer to docket entries of the District Court Litigation.
3. On October 30, 2024, Plaintiff InFocus filed suit in the Eastern District of Texas for infringement of U.S. Patent No. 10,676,992 (the “’992 Patent”) against several defendants, including Petitioner Full-Metal-Power B.V. (ECF No. 1).
4. Exhibit 2003 is a true and correct copy of the Docket Control Order (ECF No. 27). This is the current schedule for the District Court Litigation. No party has moved to stay, and none have been entered.
5. Exhibit 2004 is a true and correct copy of the defendants’ invalidity contentions served on March 4, 2025.
6. The parties have fully briefed a dismissal issue, including a motion (ECF No. 10), response (ECF No. 13), reply (ECF No. 14), and sur-reply (ECF No. 16).

7. The parties have exchanged discovery and disclosures pursuant to Eastern District of Texas practice, including Local Patent Rules 3-1 (infringement contentions), 3-2 (accompanying production), 3-3 (invalidity contentions), 3-4 (accompanying production). Additionally, the parties have served initial and additional disclosures pursuant to the Discovery Order (ECF No. 25).
8. Plaintiff InFocus has propounded interrogatories, to which one defendant responded.
9. The parties negotiated the agreed Discovery Order (ECF No. 25), Protective Order (ECF No. 26), and E-Discovery Order (ECF No. 32), which the district court has reviewed and approved.
10. Plaintiff InFocus asserted Claims 1, 3–11, and 13–19 of the '992 Patent. Defendants' invalidity contentions address only these asserted claims.

I hereby 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 statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Date: April 21, 2025


Archibald Deleon Cruz