UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

INFOCUS DOWNHOLE SOLUTIONS USA LLC,
Patent Owner.

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IPR2025-00391
Patent 10,676,992 B2

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DECLARATION OF MICHAEL LOCKLAR IN SUPPORT OF PETITIONER'S OPPOSITION BRIEF TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

Full-Metal-Power B.V. EX. 1017

I, Michael Locklar, declare as follows:

1. I am counsel for Defendants Full-Metal-Power, B.V., Hans-Henk Wolters and Aaron Baxter 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 discovery in the District Court Litigation and correspondence between counsel for the parties. The Electronic Case Filing ("ECF") numbers used herein refer to docket entries of the District Court Litigation.
3. The Defendants in the District Court Litigation agreed to accept service, making Mr. Baxter's deadline to answer December 30, 2024, and Petitioner and Mr. Wolters' (Petitioner's CEO) deadline to answer (as foreign entities) January 28, 2025.
4. The present Petition for IPR was filed on December 27, 2024, prior to Defendants filing their answers.
5. Defendant Baxter, an independent sales director for Petitioner and the lone U.S.-based defendant in the District Court Litigation, filed a motion to dismiss the claims against him for improper venue (ECF No. 10) on December 30, 2024, the same day he filed his answer. There has been

additional briefing on that motion, but the District Court has not ruled on the motion. That motion in no way relates to the merits of Patent Owner's infringement claims or the validity of the Patent.

6. Patent Owner's infringement contentions were served on January 7, 2024, after Petitioner filed its IPR request.

7. Exhibit 2003 (originally included with Patent Owner's Request for Discretionary Denial) is a true and correct copy of the Docket Control Order (ECF No. 27). This is the current schedule for the District Court Litigation.

8. There are no upcoming deadlines in the District Court Litigation until August 13, 2025, when the parties are to exchange their Proposed Claim Terms to begin the claim construction process, and there are no pending discovery requests. *Id.* at 4. The Claim Construction Hearing is not scheduled until December 17, 2025. *Id.* at 3.

9. There have been no depositions conducted. The only discovery other than initial disclosures and other mandated disclosures were three interrogatories related to Defendant Baxter's motion to dismiss for improper venue. There has been no other discovery served by either party and no depositions requested. Fact discovery closes February 2, 2026, *id*. at 3, expert discovery closes March 9, 2026, *id*., and trial is not

scheduled until June 22, 2026. *Id.* at 1.

10. The District Court has made no decisions in the District Court Litigation that would affect any issue in the Petition before the Board. Patent Owner has not requested an injunction in the District Court Litigation.

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

Date: May 19, 2025

Michael Locklar