UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC,
AMAZON WEB SERVICES, INC., and
TWITCH INTERACTIVE, INC.,
Petitioners,

v.

NL GIKEN INC.,
Patent Owner.

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Case No. IPR2025-00407
Patent No. 8,677,391

**DECLARATION OF GERALD B. HRYCYSZYN**

NL Giken Exhibit 2001
Amazon v. NL Giken
IPR2025-00407

I, Gerald B. Hrycyszyn, declare:

1. By the time the Board's institution decision is due in this proceeding, the parties will have completed fact discovery.

2. By the time the Board's institution decision is due in this proceeding, the parties will have completed and served all final infringement, final noninfringement, final invalidity, and final validity contentions.

3. By the time the Board's institution decision is due in this proceeding, the parties will have produced and reviewed more than 50,000 pages of documentary evidence.

4. By the time the Board's institution decision is due in this proceeding, Patent Owner's experts will have completed an intensive review of source code produced by Petitioners with the expert source code review team's man-hours accumulating over more than 30 days of effort preparing for and reviewing the source code.

5. By the time the Board's institution decision is due in this proceeding, the parties will have conducted numerous witness depositions on behalf of both parties, including deposition of foreign-based witnesses that traveled to the U.S for days of proceedings.

6. By the time the Board's institution decision is due in this proceeding, the parties will have exchanged claim construction briefing.

7. Over the last seventeen years, the lead named inventor of the challenged patent, Masahide Tanaka, has built up a business named NL Giken.

8. NL Giken's business is 100% reliant on its patent portfolio, which includes the challenged patent and other patents currently pending before the PTAB.

9. Patent Owner, on January 11, 2024, filed suit against Petitioners asserting claims of five patents: U.S. Patent Nos. 9,319,615 ("the '615 patent"), 9,948,968 ("the '968 patent"), 10,880,592 ("the '592 patent"), 8,094,236 ("the '236 patent"), and 8,677,391 ("the '391 patent") (collectively, the "Asserted Patents"). That suit is pending in the United States District Court for the District of Delaware. *NL Giken Inc. v. Amazon.com, Inc., et al.*, Civil Action No. 24-027-MN (D. Del.). Petitioners filed IPRs challenging each of the Asserted Patents, but institution decisions have only issued in two of these five IPRs:

- IPR2024-01161 (challenging the '615 patent"), instituted on Feb. 26, 2025;
- IPR2024-01345 (challenging the '968 patent"), instituted on Mar. 26, 2025;
- IPR2025-00050 (challenging the '592 patent"), decision on institution due by May 28, 2025;
- IPR2025-00250 (challenging the '236 patent"), decision on institution due by June 30, 2025;

- IPR2025-00407 (challenging the ’391 patent”), decision on institution due by July 29, 2025.

I understand and have been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001). 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 were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of title 18 of the United States Code.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 4, 2025

/Gerald B. Hrycyszyn/
Gerald B. Hrycyszyn
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210