

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOME DEPOT U.S.A., INC.,
Petitioner,

v.

H2 INTELLECT LLC,
Patent Owner.

IPR2025-00480
U.S. Patent No. 8,433,296

DECLARATION OF REX MANN

Pursuant to 37 C.F.R. § 1.68, I, Rex A. Mann, attest to the following:

1. I am an attorney employed by Winston & Strawn LLP. Patent Owner H2 Intellect LLC (“H2”) is a client of Winston & Strawn LLP. I am counsel of record for H2 in the proceeding *H2 Intellect LLC v. The Home Depot, Inc. et al.*, No. 2:24-cv-00694 (E.D. Tex.). I am above the age of 18. I am a member in good standing of the State Bar of Texas.

2. I make this declaration in support of Patent Owner’s Discretionary Denial Brief in the pending *inter partes* review of U.S. Patent No. 8,433,296 (“the 296 patent”).

3. The 296 patent is asserted against Home Depot U.S.A., Inc. (“Home Depot” or “Petitioner”) in the litigation: *H2 Intellect LLC v. The Home Depot, Inc. et al.*, No. 2:24-cv-00694 (E.D. Tex.) (“the -694 case”). The defendants in the -694 case are The Home Depot, Inc., Home Depot U.S.A., Inc., and Home Depot Product Authority, LLC (collectively, “Defendants”).

4. The Defendants in the -694 case identified prior art and served their preliminary invalidity contentions against the 296 patent on January 10, 2025. Exhibit 2010 is a true and correct copy of an excerpt of Defendants’ preliminary invalidity contentions that address the 296 patent.

5. To date, H2 has taken five depositions in the -694 case, and three

more depositions have been noticed.

6. In the -694 case, H2 has served, and Defendants have responded to, three sets of interrogatories and one set of requests for admissions thus far. To date, H2 has produced approximately 147,344 pages of documents and Defendants have produced approximately 82,034 pages of documents (based on Bates numbers).

7. In the -694 case, the Defendants have made source code available for review under the -694 case Protective Order, and H2 has engaged in multiple days of source code inspection.

8. I was counsel of record for the inventors Ryan Hardin and Andrew Hill in the proceedings *Ryan Hardin et al. v. Samsung Elec. Co., Ltd. et al.*, No. 2:21-cv-00290 (E.D. Tex.) and *Ryan Hardin et al. v. Samsung Elec. Co., Ltd. et al.*, No. 2:22-cv-00344 (E.D. Tex.). As noted in public filings with the PTAB, these proceedings resulted in two confidential settlement agreements and license agreements involving Samsung and Google.

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

Date: July 18, 2025



Rex Mann
Partner
Winston & Strawn LLP

2121 N Pearl Street,
Dallas, TX 75201
T: 214-453-6500