

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALPINESTARS S.P.A. AND ALPINESTARS USA INC.,
Petitioner

v.

DAINESE S.P.A.,
Patent Owner

PTAB Case No. IPR2025-00750

Patent No. 12,012,065

PATENT OWNER'S BRIEF IN SUPPORT OF DISCRETIONARY DENIAL

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	iii
TABLE OF EXHIBITS	iv
I. INTRODUCTION	1
II. THE BOARD SHOULD DENY INSTITUTION PURSUANT TO § 314(A) WHEN THE <i>FINTIV</i> FACTORS ARE APPLIED.....	3
A. The <i>Fintiv</i> factors favor discretionary denial	3
1. Factor 1 – Favors denial because the projected Final Written Decision will occur after the litigation is resolved, even under the current stay in district court.....	4
2. Factor 2 – Favors denial because the district court’s trial date is scheduled to occur before the projected statutory deadline for a Final Written Decision.....	5
3. Factor 3 – Favors denial because substantial resources have been invested in the parallel proceedings	6
4. Factor 4 – Favors denial because there is substantial overlap between the IPR grounds and the Invalidity Contentions in the district court case	6
5. Factor 5 – Favors denial because the parties in the IPR are the same as the parties in the district court litigation.....	8
6. Factor 6 – Favors denial, but Patent Owner Dainese S.p.A. will raise its merits argument in the POPR.....	8
B. Other considerations also favor discretionary denial	9
1. Instituting an IPR would not reduce the number of issues for the judge and jury to decide in the district court case.....	9
2. The expert declaration does not provide adequate, independent analysis that should accompany a Petition.....	10
3. PTAB resources are better spent on <i>ex parte</i> appeals.....	12

4.	There is a favorable preliminary opinion about the patentability of a European case	13
5.	Petitioner had known for at more than twelve months about the existence of the '065 Patent when on (March 10, 2024, it initiated an EPO opposition proceeding against the corresponding EPO application that claims priority to the same PCT application the '065 Patent claimed priority	14
III.	CONCLUSION.....	15
	CERTIFICATE OF SERVICE	a
	CERTIFICATE OF WORD COUNT.....	b

TABLE OF AUTHORITIES

Cases

<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 15 (PTAB May 13, 2020)	5, 6
<i>iRhythm Tech. Inc. v. Welch Allyn, Inc.</i> , IPR2025-00377 <i>et al.</i>	3, 15
<i>Xerox Corp. v. Bytemark, Inc.</i> , IPR2022-00624, Paper 9 (PTAB Aug. 24, 2022)	10

Statutes

35 U.S.C. § 314(b)	4
35 U.S.C. § 316(a)(11)	5
35 U.S.C. § 6(b)(1)	12
35 U.S.C. § 6(b)(2)-(4)	13

Regulations

37 C.F.R. § 42.108(c)	1
37 C.F.R. § 42.65(a)	10

Other Authorities

<i>FAQs for Interim Process for PTAB Workload Mgmt.</i> , FAQ 14, PTAB Boardside Chat on Interim Process for PTAB Workload Mgmt. (Apr. 17, 2025)	7
<i>Interim Processes for PTAB Workload Mgmt.</i> (Mar. 26, 2025)	9, 13

TABLE OF EXHIBITS

Exhibit	Title
1001	U.S. Patent No. 12,012,065
1002	Prosecution History of U.S. Patent No. 12,012,065
1003	Declaration of Russell K. Davidson
1004	EP 2879536 B1 (“EP ’536”)
1005	Translation of CN108968180 (“CN ’180”)
1006	CN108968180
1007	EP 2621297 B1 (“EP ’297”)
1008	U.S. Patent No. 3,823,711 (“Hatton”)
1009	U.S. Patent Publication No. 2021/0329986 A1 (“Mazzarolo ’986”)
1010	U.S. Patent Publication No. 2021/0360993 A1 (“Mazzarolo ’993”)
1011	Translation of CN205695842 (“CN ’842”)
1012	CN205695842
1013	US Patent Application Publication No. 2020/0315277 (“Klein”)
1014	Complaint from <i>Dainese S.P.A. v. Alpinestars USA Inc. et al</i> , 2:24-cv-07066 (C.D.C.A. 2024)
1015	American Heritage Dictionary Definition of “Planar”
1016	Webster’s New Universal Unabridged Dictionary definition of “planar”
1017	Petitioner’s Stipulation
2001	Civil Minutes – General, 2:24-cv-07066 (C.D.C.A. 2024) [Document 39], Filed March 12, 2025
2002	Civil Trial Scheduling Order [Fed. R. Civ. P. 16(b)] <i>Dainese S.P.A. v. Alpinestars USA Inc. et al</i> , 2:24-cv-

Exhibit	Title
	07066 (C.D.C.A. 2024) [Document 40], Filed March 13, 2025
2003	Motion To Stay Proceeding Pending <i>Inter Partes</i> Review, 2:24-cv-07066 (C.D.C.A. 2024), [Document 43], Filed April 29, 2025
2004	USPTO Appeal Statistics (Mar. 31, 2025), available at https://www.uspto.gov/patents/ptab/statistics
2005	Patent Trial & Appeal Board (PTAB) Dashboard, available at https://www.uspto.gov/dashboard/ptab/
2006	EP4072364 Extract from the Register of European Patents
2007	April 11, 2022 – Alpinestars Introduces Tech Air 10
2008	October 3, 2022 – Alpinestars Launches Tech Air 3

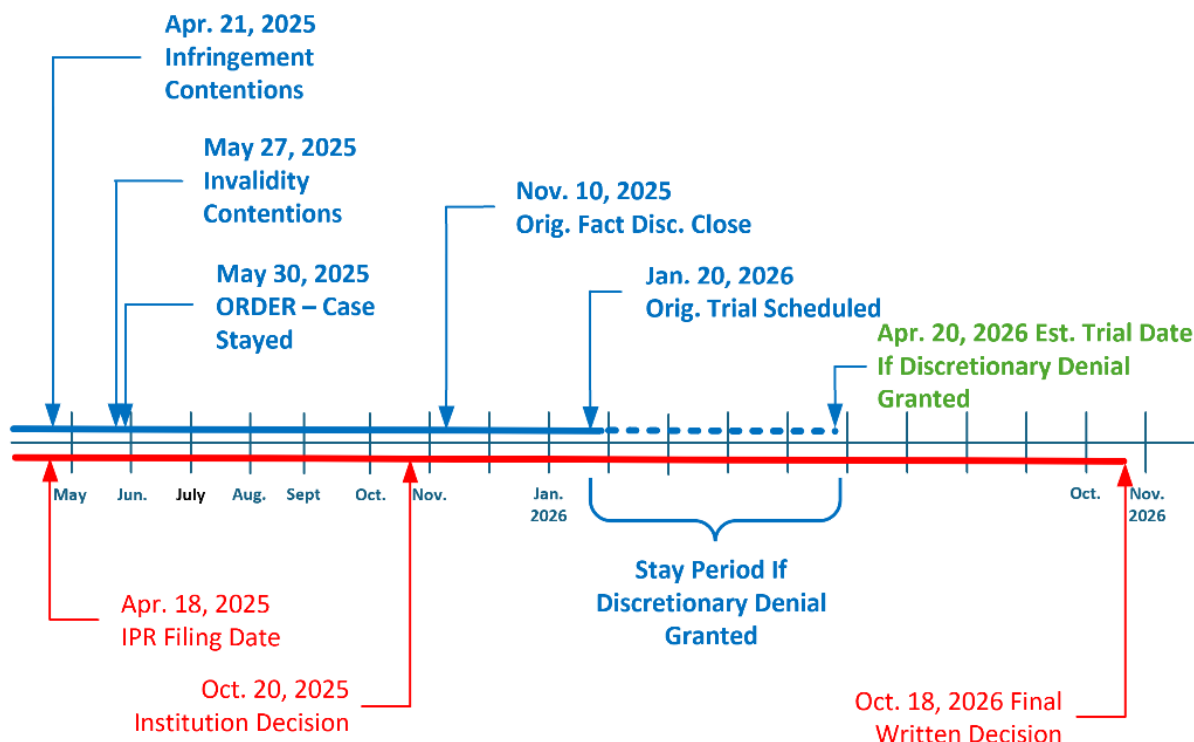
I. INTRODUCTION

The Director should exercise her discretion pursuant to 35 U.S.C. § 314(a) and *Fintiv* to deny institution of this *Inter Partes* Review (“IPR”) *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5-6 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”). The court’s early trial date indicates that the court would determine the patent’s validity earlier than the projected statutory deadline for the final written decision.

The same parties are litigating the validity of the ’065 patent in district court and were engaged in fact discovery until May 30, 2025, when the district court entered a stay on the litigation. *See* Exh. 2003. Prior to the stay, the district court set the trial date for January 20, 2026, – more than eight months before the Board’s projected statutory deadline for a Final Written Decision of October 18, 2026. *See* Exh. 2002, 1.

Litigating validity issues at the Board would therefore be duplicative and contrary to the intent of IPRs, which is for “providing a more efficient system for challenging patents” and “reducing unwarranted litigation costs.” H.R. Rep. No. 112-98 at 39-40 (2011), *see also* *NHK Spring Co. Ltd. v. Intri-Plex Techs., Inc.*, IPR2018-00752, Paper 8 at 19-20 (PTAB Sept. 12, 2018) (precedential). If the IPR were instituted, an additional delay of approximately 17 months is introduced by the IPR thus prejudicing the Patent Owner.

A timeline of dates in the litigation and IPR is provided below, outlining the district court (blue), the IPR deadlines (red), and the estimated trial date if the Discretionary Denial is granted (green):



Other considerations also strongly favor of granting this Discretionary Denial. Instituting the IPR would not improve judicial efficiencies, therefore the Director should deny institution and focus its limited resources on other pending cases before the PTAB.

II. THE BOARD SHOULD DENY INSTITUTION PURSUANT TO § 314(A) WHEN THE *FINTIV* FACTORS ARE APPLIED

A. The *Fintiv* factors favor discretionary denial

When the patent owner raises an argument for discretionary denial due to an earlier trial date in a co-pending litigation, the Board weighs the following *Fintiv* factors:

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court's trial date to the Board's projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Boards exercise of discretion, including the merits.

Fintiv, Paper 11 at 5-6. “[T]he determination to exercise discretion to deny institution is based on a holistic assessment of all the evidence and arguments presented.” *iRhythm Tech. Inc. v. Welch Allyn, Inc.*, IPR2025-00377 *et al.*, p. 3.

When considered here, the *Fintiv* factors support *denying* institution because *Fintiv* factors 1-6 all weigh in favor of Director's denial of institution, and no factor weighs in favor of continuing the IPR process.

1. Factor 1 – Favors denial because the projected Final Written Decision will occur after the litigation is resolved, even under the current stay in district court

The district court issued a trial date for January 2026, to resolve all issues. If this Discretionary Denial is granted in the next two months, the court would lift the stay, and trial will likely take place approximately five months before the Final Written Decision should this IPR get instituted.

As of the implementation of the district court stay, Patent Owner served Infringement Contentions on April 21, 2025, and Alpinestars S.p.A. and Alpinestars USA, Inc. (collectively, "Petitioner") served Invalidity Contentions on May 27, 2025. *Id.* 3.

The Board's institution decision is not due until October 18, 2025. *See* 35 U.S.C. § 314(b) (Institution initiated within three months of the filing of the preliminary response or the last day during which such a response could have been filed.) A grant of this Discretionary Denial would allow the district court's stay to lift causing a mere four-month delay. Thus, the district court could still resolve validity approximately five months before the statutory deadline for the Final Written Decision. Hence, the first *Fintiv* factor strongly favors the Patent Owner.

2. Factor 2 – Favors denial because the district court’s trial date is scheduled to occur before the projected statutory deadline for a Final Written Decision

The second *Fintiv* factor weighs in favor of denying institution because the district court’s stay may be lifted, so that the court’s scheduled trial date will merely slip by four months if this Discretionary Denial is granted. The district court scheduled the trial before the stay was January 20, 2026. Exh. 2002, 1. And further assuming this Discretionary Denial is granted, the district court’s trial would still likely occur five months before the Board’s projected statutory deadline for the Final Written Decision if one were to assume the district court trial schedule slipped only four months during the stay until grant of this Discretionary Denial. *See Fintiv*, 9.

Indeed, the Final Written Decision would be statutori due on October 18, 2026, approximately five months *after* anticipated district court’s trial start date if the stay were lifted based on grant of the Discretionary Denial. *See* 35 U.S.C. § 316(a)(11). In *Fintiv*, “If the court’s trial date is earlier than the projected statutory deadline, the Board generally has weighed this fact in favor of exercising authority to deny institution” *Fintiv*, 9 (emphasis added).

In *Fintiv*, a district court trial date two months before the projected Final Written Decision – a shorter timeframe than in this IPR – weighs in favor of discretionary denial. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 13 (PTAB May 13, 2020) (informative) (“*Fintiv II*”). Thus, the second *Fintiv* factor

strongly weighs in favor of discretionary denial here as it did in *Fintiv*. *Fintiv*, 9, *Fintiv* II, 13.

3. Factor 3 – Favors denial because substantial resources have been invested in the parallel proceedings

For the third *Fintiv* factor, “[t]he Board also has considered the amount and type of work already completed in the parallel litigation by the court and the parties *at the time of the institution decision*.” *Fintiv*, 9 (emphasis added). The deadline for issuing an institution decision is October 18, 2025. *See Supra* Section II.A.1 and timeline above. Substantial work will have already been done by that date, including the filing of plaintiff’s Asserted Claims and Infringement Contentions (April 21, 2025) and the Petitioner’s Invalidity Contentions and supporting documentation (May 27, 2025). *See* Exh. 2001. Thus, the third *Fintiv* factor weighs in favor of discretionary denial.

4. Factor 4 – Favors denial because there is substantial overlap between the IPR grounds and the Invalidity Contentions in the district court case

The fourth *Fintiv* factor favors denying institution because Petitioner stipulated, “... if the Board institutes inter partes review in this proceeding on the grounds presented in the petition, then Petitioners will not pursue in the parallel district court litigation ... an invalidity defense that the patent claims subject to the instituted IPR are invalid based on those grounds that were raised in the IPR.” Petitioner’s Stipulation, Paper 3, p. 2. Here, the district court required Petitioner to

provide their “Invalidity Contentions” by May 27, 2025. *See* Exh. 2001, 3. The decision to institute or not is scheduled five (5) months later on October 18, 2025.

But for the district court stay, Petitioner’s stipulation is meaningless because the district court would have decided to rely on the references asserted in the IPR *before* the Institution Decision. Petitioner neither indicates that they will refrain from asserting the same references in their Invalidity Contentions filed on May 27, 2025, nor whether they would withdraw their Invalidity Contentions based on the references, if previously asserted, and the IPR is instituted.¹ If this Discretionary Denial is granted and the district court stay is lifted, the district court will consider the validity issues months before an instituted IPR reached a Final Written Decision.

Based on the current language of the stipulation and the litigation schedule, there may be substantial overlap between the IPR grounds and the Invalidity Contentions, and substantial overlap in work in both forums. If there is no overlap, then a valid assumption exists that the Petitioner have stronger references to cite in

¹ If Petitioner were to submit such an additional stipulation now, it is too late - - stipulations should be considered only if they are filed with sufficient time for a patent owner to address the impact of the stipulation in its discretionary denial brief. *See FAQs for Interim Process for PTAB Workload Mgmt.*, FAQ 14, PTAB Boardside Chat on Interim Process for PTAB Workload Mgmt. (Apr. 17, 2025) (petitioner “must” file a stipulation within one month of the notice of filing date for consideration).

the litigation than the current references used in the IPR. A seminal question is why would Petitioner not cite their strongest references in the district court when a stipulation preventing such action is only relevant upon the institution of their IPR, which would occur after the due date for Invalidity Contentions in the litigation?

Here, the Petition cites three grounds and cites eight prior art references. Exhs. 1004 – 1013. Each of the prior art references is also cited in the Petitioner’s Infringement Contentions in the district court. Hence, Factor 4 also weighs heavily in favor of denial because there is no restriction or limitation on what was asserted by Petitioner in its Invalidity Contentions filed on May 27, 2025, resulting in overlap between Invalidity Contentions and the IPR grounds.

5. Factor 5 – Favors denial because the parties in the IPR are the same as the parties in the district court litigation

For the fifth *Fintiv* factor, “[i]f a petitioner is unrelated to a defendant in an earlier court proceeding, the Board has weighed this fact against exercising discretion to deny institution....” *Fintiv*, 13-14. Here, the identity of Petitioner and patent owner are the same. *See* Pet. 98. Thus, the fifth *Fintiv* factor weighs in favor of denial.

6. Factor 6 – Favors denial, but Patent Owner Dainese S.p.A. will raise its merits argument in the POPR

For the sixth *Fintiv* factor, the Board may consider other circumstances that impact the Board’s exercise of discretion, including the merits. *Fintiv*, 14-15. Here,

Patent Owner's merits arguments presented in its POPR will explain why Petitioner's grounds fail to disclose the claim elements. Patent Owner respectfully requests that the Director also consider these arguments when determining whether to exercise its discretion to deny institution pursuant to 35 U.S.C. § 314(a). *See* FAQs for Interim Process for PTAB Workload Mgmt., FAQs ("The Director will receive each ... POPR"), FAQ12 ("the Director will consider the merits in the merits briefing if the parties ask the Director to do so."). Therefore, the sixth *Fintiv* factor weighs in favor of denial.

B. Other considerations also favor discretionary denial

The Board's Memorandum on the Interim Process for PTAB Workload Management presents additional considerations for discretionary denial. *Interim Processes for PTAB Workload Mgmt.* at 2 (Mar. 26, 2025). Several considerations weigh in favor of granting this Discretionary Denial.

1. Instituting an IPR would not reduce the number of issues for the judge and jury to decide in the district court case

The Board should also deny institution because the Petitioner has not explained how instituting an IPR would reduce the number of issues adjudicated by the district court judge and decided by a jury. For example, Petitioner has not represented or indicated that they would present fewer references or grounds to the jury if an IPR is instituted and the references were already included in Invalidity Contentions before IPR institution.

2. The expert declaration does not provide adequate, independent analysis that should accompany a Petition

When deciding whether to deny institution pursuant to § 314(a) the Board should also consider the substantial overlap between the Petition and the expert declaration. When the declaration “merely repeats, verbatim, the conclusory assertion for which it is offered to support” and “does not cite to any additional supporting evidence or provide any technical reasoning to support [the] statement,” the declaration testimony is entitled to little weight. *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at 15 (PTAB Aug. 24, 2022) (precedential); *see also* 37 C.F.R. § 42.65(a) (“Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight.”).

Petitioner submitted a declaration by Russell K. Davidson to support its arguments in the Petition. But like the expert declaration in *Xerox*, Mr. Davidson’s declaration merely repeats, *verbatim*, conclusory assertions in the Petition. Mr. Davidson does not provide additional technical reasoning to support many of the substantive statements. Some examples of the Petition merely repeating Mr. Davidson’s conclusory statements are provided below. Mr. Davidson repeats, verbatim, the arguments from the Petition. He even uses the same italicized and bold styling and repeats legal conclusions with verbiage lifted straight from the Petition.

Petition	Mr. Davidson's Declaration
To the extent the preamble is a limitation, EP'536 discloses it. EX1003, ¶146. EP'536 discloses a "structure [that] may be used in the design of fabrics or textiles, in particular in applications for <i>personal protective equipment</i>, e.g. garment, like <i>protective garment</i> or other functional garment like gloves." 56 1617531093 EX1004, ¶1; <i>see also</i> ¶¶14, 154; §V.B. Pet. 56.	To the extent the preamble is a limitation, EP'536 discloses it. For example, EP'536 discloses a "structure [that] may be used in the design of fabrics or textiles, in particular in applications for <i>personal protective equipment</i>, e.g. garment, like <i>protective garment</i> or other functional garment like gloves." EX1004, ¶1; <i>see also</i> ¶¶14, 154; §X.B. Davidson Declaration, ¶146.
In the above illustrated embodiment, "inflation of an elongated first chamber 28, 29, 210, 211, 31, 32 of the inner bag 21, 30 results in an expansion of a corresponding section 23, 24, 25, 26, 27, 37, 38 of the outer bag 22, 33, <i>since each elongated first chamber is positioned within a corresponding section 23, 24, 25, 26, 27, 37, 38.</i>" EX1007, ¶40. As such, the straps 34, 35, 36 (tie elements) comprise dividing walls defining a plurality of sections 37, 38 (inner housings) between the	In the above illustrated embodiment, "inflation of an elongated first chamber 28, 29, 210, 211, 31, 32 of the inner bag 21, 30 results in an expansion of a corresponding section 23, 24, 25, 26, 27, 37, 38 of the outer bag 22, 33, <i>since each elongated first chamber is positioned within a corresponding section 23, 24, 25, 26, 27, 37, 38.</i>" EX1007, ¶40. As such, the straps 34, 35, 36 (tie elements) comprise dividing walls defining a plurality of sections 37, 38 (inner housings) between the

Petition	Mr. Davidson's Declaration
first layer 39 (first mesh portion) and second layer 310 (second mesh portion). EX1003, ¶170. Pet. 68.	first layer 39 (first mesh portion) and second layer 310 (second mesh portion). Davidson Declaration, ¶170.
EP'536 in view of CN'180 alone or in combination with Hatton or the knowledge of the POSITA renders claim 18 obvious. §V.S. In addition, EP'536 in view of CN'180 renders this claim obvious for the reasons set forth for claim 4. §V.E. Pet. 57.	EP'536 in view of CN'180 alone or in combination with Hatton or the knowledge of the POSITA renders claim 18 obvious. §X.S. In addition, EP'536 in view of CN'180 renders this claim obvious for at least the reasons set forth for claim 4. §X.E. Davidson Declaration, ¶150.

The lack of supporting evidence and additional technical reasoning in Mr. Davidson's declaration is yet another reason why the Board should deny institution. The declaration should not merely "cop[y], word-for-word, Petitioners' conclusory assertions." *Xerox*, IPR2022-00624, Paper 9 at 5. When it does, institution should be denied.

3. PTAB resources are better spent on *ex parte* appeals

The Director should also deny institution because the PTAB's limited resources are better spent on the growing backlog of *ex parte* appeals. In 35 U.S.C. § 6(b)(1), the Board is tasked with "review[ing] adverse decisions of examiners upon

applications for patents pursuant to section 134(a).” Congress also tasked the Board with reviewing appeals of reexaminations, derivation proceedings, IPRs, and PGRs. 35 U.S.C. § 6(b)(2)-(4). But current Office policy is to focus on *ex parte* appeals “[t]o ensure that the PTAB continues to meet its statutory obligations as to *ex parte* appeals, while continuing to maintain its capacity to conduct AIA proceedings, the Director will exercise her discretion on institution of AIA proceedings....” Interim Processes for PTAB Workload Management at 1 (Mar. 26, 2025).

According to the latest data published by the USPTO, the pendency of *ex parte* appeals has increased (*see* Exh. 2004, 7), and roughly a quarter of all *ex parte* appeals have been pending for over eleven months. *See* Exh. 2005. In 2025, the pendency has increased in almost every technical center. The PTAB should focus its efforts on the pending *ex parte* appeals – not this IPR, when the district court is already scheduled to adjudicate validity more than eight months before the Board reaches its Final Written Decision.

4. There is a favorable preliminary opinion about the patentability of a European case

The '065 patent claims priority to PCT/IB2020/061689. Similarly, European Patent EP4072364B1 (EP364 Patent) also claimed priority to PCT/IB2020/061689. Alpinestars S.p.A. filed a Notice of Opposition against the EP364 patent in January 2025 in the European Patent Office (EPO). The Opposition Division issued a favorable preliminary opinion about the patentability of amended claim 1 of the main

request of EP364. The Opposition Division stated that EP364 validly claims priority to the same parent application PCT/IB2020/061689; and the Patent Owner's success in the proceedings of EP364 in the EPO is materially relevant to the Patent Owner's success in this IPR as it involves Alpinestars S.p.A., one of the parties in this IPR proceeding. Thus, the other considerations also favor granting this Discretionary Denial.

5. Petitioner had known for at more than twelve months about the existence of the '065 Patent when on (March 10, 2024, it initiated an EPO opposition proceeding against the corresponding EPO application that claims priority to the same PCT application the '065 Patent claimed priority

The '065 Patent bases its priority on PCT/IB2020/061689 (Publication No. WO2021/116931), which was filed on December 9, 2020, claiming the priority to Italian Patent Applications No. IT20190023958, IT20190023961 and IT20190023964, all filed on December 13, 2019. On March 10, 2024, Petitioner filed an opposition in the EPO against patent application EP4072364 where this EPO patent application claimed priority to the same PCT application as the '065 Patent. Exh. 2006. In the last couple of months, the EPO Opposition Division issued a favorable preliminary opinion regarding patentability.

While the Petition was filed seven months after the filing of the district court Complaint, Petitioner waited slightly more than twelve (12) months to file its Petition against the '065 Patent from the EPO Opposition filing date on March 10,

2024. Exh. 2006. Petitioner’s sales of infringing products started around April 11, 2022 (Exh. 7, Alpinestars Tech Air 10) and October 3, 2022 (Exh. 8, Alpinestars Tech Air 3), approximately three years prior to the filing of the Petition.

Thus, Petitioner’s awareness of the ’065 Patent more than one year prior to the filing of the Petition and Petitioner’s failure to seek early review of the ’065 Patent “... favors denial and outweighs the above-discussed considerations.” *iRhythm* at 3.

III. CONCLUSION

Analysis of the six *Fintiv* factors favor the Patent Owner weighs in favor of denying institution and litigating the same or similar issues at the Board as the issues that will be scheduled for earlier resolution in the district court and contrary to the legislative intent of IPRs for “providing a more efficient system for challenging patents” and “reducing unwarranted litigation costs.” H.R. Rep. No. 112-98 at 39-40 (2011); *see also NHK Spring*, IPR2018-00752, Paper 8 at 19-20. Thus, even with the current district court stay, granting this Discretionary Denial allows the Board’s limited resources to be better spent elsewhere.

June 18, 2025

Respectfully submitted,

/s/ *Gregory B. Gulliver*

Gregory B. Gulliver
Reg. No. 44,138
ADDYHART P.C.

401 N. Michigan Avenue
Chicago, IL
949.337.0568
gbgulliver@addyhart.com

Meredith Martin Addy
Reg. No. 37,883
meredith@addyhart.com
ADDYHART P.C.
10 Glenlake Parkway, Suite 130
Atlanta, Georgia 30328
312.320.4200

Robert Hart
Reg. No. 35,184
ADDYHART P.C.
2025 Guadalupe Street, Suite 260
Austin, TX 78705
949.337.0568
robert@addyhart.com

***Counsel for Patent Owner
Dainese S.p.A.***

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies the service of Patent Owner DAINESI S.p.A served PATENT OWNER'S BRIEF IN SUPPORT OF DISCRETIONARY DENIAL on the counsel of record for Petitioner ALPINESTARS S.P.A. AND ALPINESTARS USA INC., by filing this document through the P-TACTS, as well as delivering a copy via electronic mail to the following:

Gianni Minutoli
Gianni.Minutoli@us.dlapiper.com

Paul R. Steadman
Paul.Steadman@us.dlapiper.com

Martin Ellison
Martin.Ellison@us.dlapiper.com

Dla-alpinestars-IPR@us.dlapiper.com

Date: June 18, 2025

By: /s/ *Gregory B. Gulliver*
Gregory B. Gulliver

CERTIFICATE OF WORD COUNT

Pursuant to *Interim Processes for PTAB Workload Management* (Mar. 26, 2025), Patent Owner certifies that this PATENT OWNER'S BRIEF IN SUPPORT OF DISCRETIONARY DENIAL includes 3,254 words, as measured by Microsoft Word, exclusive of the table of contents, table of exhibits, and exhibits.

Dated: June 18, 2025

By: /s/ *Gregory B. Gulliver*
Gregory B. Gulliver