

# Exhibit 1028

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*FlSmidth Inc.,*

Petitioner,

v.

*Metso Outotec (Finland) Oy,*

Patent Owner.

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Patent 9,518,604 B2

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IPR2025-00985

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**DECLARATION OF TREVOR KUPSTAS IN SUPPORT OF  
PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR  
DISCRETIONARY DENIAL**

I, Trevor Kupstas, declare as follows:

1. I am over 21 years of age and otherwise competent to make this declaration. I make this declaration based upon facts and matters within my own knowledge and on information provided to me by others.

2. I am employed by FLSmith Inc. (“FLS”) as an R&D Portfolio Manager.

3. My job duties include competitive analysis and new product development.

4. To the best of my knowledge, FLS became aware of the so-called “Polymer HSB System” by Metso/Outotec in approximately late 2022.

5. FLS follows very generally the patent developments of competitors in the industry, but does not have an unlimited budget allowing it to closely monitor all issued patents of all competitors.

6. I understand that Metso is listed as the owner of U.S. Patent No. 9,518,604 (“the ’604 Patent”), entitled “FLUID BEARINGS” and issued on December 13, 2016.

7. To the best of my knowledge, FLS became aware of the ’604 Patent around the time it became aware of the Polymer HSB System in 2022.

8. FLS does not allocate unlimited funds to challenging every potentially relevant patent of competitors. FLS’ practice is to evaluate whether it makes business sense to challenge a patent once it becomes relevant.

9. To the best of my knowledge, FLS first determined that the ’604 Patent was relevant in about late 2022 to early 2023.

In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination may take place within the United States. If cross-examination is required of me, I will appear during a designated time allotted for such.

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 were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed this day of September 15, 2025.

/s/ Trevor Kupstas/  
Trevor Kupstas