

Filed: October 29, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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FRESH PRODUCTS, LLC

Petitioner

v.

SANASTAR, INC., d/b/a WIZKID PRODUCTS

Patent Owner

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IPR2025-01366

Patent 10,294,649

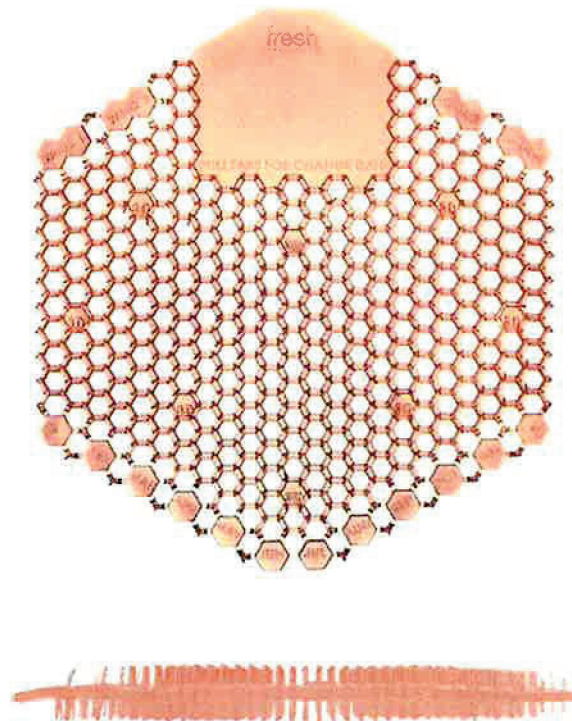
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**DECLARATION OF JEFFREY A. SMITH  
IN SUPPORT OF PETITIONER'S OPPOSITION TO  
PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL**

## **DECLARATION OF JEFFREY A. SMITH**

I, Jeffrey Smith, declare and state as follows:

1. The following statements are based on my personal knowledge.
2. I am currently the Chief Operating Officer for Petitioner Fresh Products, Inc. (hereinafter “Fresh Products”).
3. In 2014, Fresh Products developed its Wave 3D urinal screen. Fresh Products introduced the design for the Wave 3D Urinal Screen at a trade show in November of 2014. The Wave 3D was commercialized in 2015 and quickly became the most popular urinal screen on the market.
4. Below are photos of Fresh Products’ Wave 3D urinal screen.



5. As depicted above, the Wave 3D urinal screen features a pattern of hexagonal-shaped openings. The urinal screen also features vertical posts on each side of the screen extending from the corners of the openings. The Wave 3D provides a number of advantages over prior urinal screens, including the reduction of splashing.

6. Fresh Products is the owner of U.S. Patent No. 10,145,098 (“the ’098 Patent”). Exhibit 1033. I am an inventor of the ’098 Patent. The Wave 3D urinal screen is the preferred embodiment described in the ’098 Patent.

7. Fresh Products is the owner of U.S. Design Patent D778,411 (“the ‘D’411 patent”). Exhibit 1034. I am also an inventor of the D’411 Patent. The Wave 3D urinal screen is the design depicted in the D’411 Patent.

8. Since its founding in 1971, Fresh Products has manufactured its products in the United States. Fresh Products has a manufacturing facility in Perrysburg, Ohio, near Toledo, where Fresh Products currently employs approximately 275 people.

9. In or about August 2015, Mr. Crevier of Sanastar contacted Fresh Products and requested that Fresh Products manufacture a urinal screen for Sanastar.

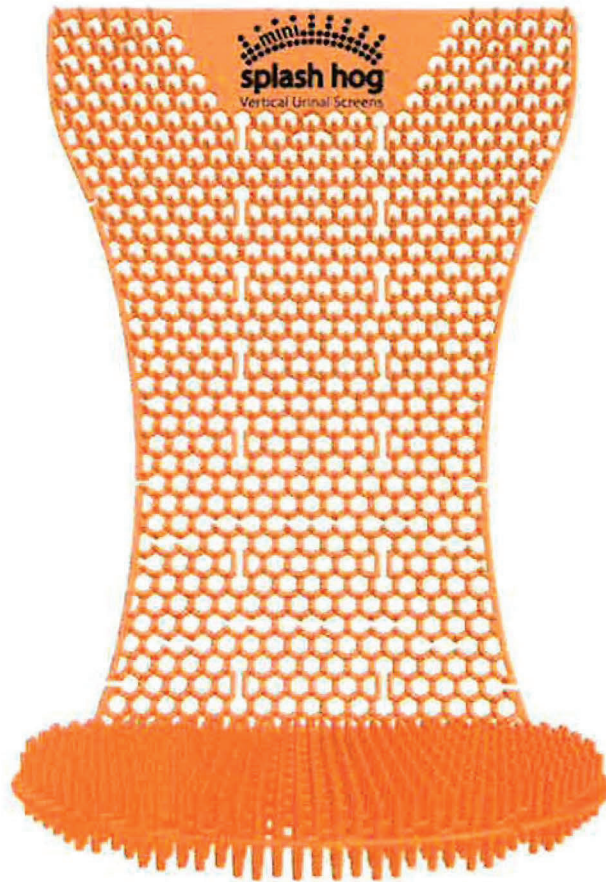
10. On May 10, 2016, Fresh Products and Sanastar entered into a “Buy/Sell Agreement.” Exhibit 2003.

11. Fresh Products designed the product and tooling for the urinal screen it would manufacture for Sanastar. Fresh Products designed Sanastar's urinal screen using Fresh Products' earlier-patented Wave 3D design. The urinal screen we designed for Sanastar featured a pattern of hexagonal-shaped openings like the Fresh Products Wave 3D urinal screen. It also included the vertical posts on each side of the screen extending from the corners of the hexagonal openings like the Fresh Products Wave 3D urinal screen.

12. Below are photos of the urinal screen, referred to as the "Splash Hog" urinal screen, that Fresh Products designed and manufactured for Sanastar.



13. In or around October 2019, Fresh Products began manufacturing a “Splash Hog mini” urinal screen for Sanastar. Below is a photo of the “Splash Hog mini” that Fresh Products designed and manufactured for Sanastar.



14. On December 1, 2018, Fresh Products and Sanastar entered into a “Master Contract Manufacturing Services Agreement” that replaced the 2016 Buy/Sell Agreement. Ex. 2001.

15. In early 2021, with Fresh Products’ assistance, Sanastar began manufacturing the Splash Hog itself. In January 2021, Fresh Products notified

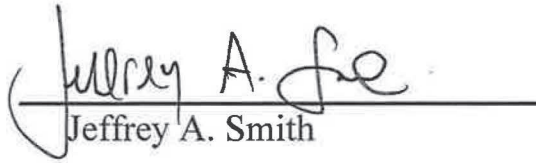
Sanastar that Fresh Products was terminating the 2018 Manufacturing Services Agreement between Fresh Products and Sanastar. Exhibit 1025 is a true and correct copy of that termination notice.

16. In 2023, Fresh Products released its Tsunami urinal screen. We incorporated our earlier Wave 3D design into the design of the Tsunami. The Tsunami urinal screen covered both the back wall of the urinal and the drain as I had described in one of my prior patents. Specifically, United States Patent No. 9,243,394 (Ex. 1006) described that “a plurality of urinal screens can be used in a urinal 300. For example, a urinal screen 110, 210, 460 can be placed on the back wall 302 of the urinal 300 and an additional urinal screen 110, 210, 460 can be placed adjacent to or covering a drain 304...” Ex. 1006, 12:1-5.

17. Through our attorney, Fresh Products had various correspondence with Sanastar after releasing the Tsunami. This concluded with a letter our attorney sent to Sanastar in June 2024 (Ex. 1026). The letter included the prior art Fushimi reference and explained how Sanastar’s patents were invalid. It also explained that if a resolution could not be reached the patents would be invalidated in an IPR. We never heard back from Sanastar in response to that letter. Based on the months of silence I believed the matter had been put to rest.

18. I declare that all statements made herein of my own knowledge are true and that any statements made on information and belief are believed to be true. I declare 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.

Dated: October 29, 2025

  
Jeffrey A. Smith