Filed: February 4, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVIDBOTS CORP. and
AVIDBOTS USA CORP.,
Petitioners,

v.

BRAIN CORPORATION,
Patent Owner.

Case No. IPR2025-01601
U.S. Patent No. 10,379,539

DECLARATION OF DANIEL P. HUGHES IN SUPPORT OF PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

I, Daniel P. Hughes, declare as follows:

1. I am a partner with the law firm of Knobbe, Martens, Olson & Bear LLP, counsel of record for Patent Owner Brain Corporation ("Brain" or "Patent Owner") in this proceeding. I also represent Brain in the district court proceeding involving U.S. Patent No. 10,379,539 (the "'539 Patent" or the "Subject Patent"). I have personal knowledge of the matters set forth herein and, if called upon to testify, I could and would testify competently thereto.

2. I submit this Declaration in support of Patent Owner's Brief in Support of Discretionary Denial Under 35 U.S.C. §314(a).

3. Patent Owner Brain sued Petitioners Avidbots Corp. and Avidbots USA Corp. for infringement of the '539 Patent, among other patents, on December 6, 2024 in the Northern District of Illinois. PO's Complaint was served on Petitioner on December 10, 2024.

4. The parties have engaged in motion practice regarding PO's complaint and Petitioner's Answer and Counterclaims. Petitioner filed a motion to dismiss PO's complaint in March 2025. PO filed a response and Petitioner filed a reply. The Court denied Petitioner's motion to dismiss in April 2025. Petitioner filed an Answer and Counterclaims in May 2025. PO moved to dismiss Petitioner's claims in July 2025. Petitioner filed a response and PO filed a reply. The Court held a hearing on the motion and denied the motion in September 2025. Petitioner then

moved to stay the case on January 2, 2026. PO filed a response on January 5. The Court held a hearing on January 7, 2026 and instructed Petitioner to file a reply by January 13, 2026. The Court subsequently denied Petitioner's motion to stay.

5. The North District of Illinois adopted the parties' proposed schedule for adjudicating both parties' patent infringement claims through claim construction.

6. The schedule includes the following deadlines: (1) final infringement and invalidity contentions due January 14, 2026, (2) final responsive contentions due February 11, 2026, (3) close of fact discovery on February 25, 2026, and (4) claim constructing briefing from February to May 2026. In accordance with the district court's schedule, the parties served final infringement and invalidity contentions on January 14, 2026.

7. The parties have served and responded to nearly 200 requests for production and 40 interrogatories.

8. The parties have completed both ESI and standard document productions totaling over 1.4 million pages.

9. The parties have produced hundreds of thousands of source code files for inspection.

10. The parties have completed approximately sixty-five hours of depositions, including nearly all technical depositions.

11. The parties have provided deposition testimony on over 100 Rule 30(b)(6) topics.

12. The parties have served subpoenas totaling over 271 topics on twenty-seven third parties.

13. The Court has held a total of twelve hearings, including hearings to resolve discovery issues.

14. The parties narrowed the Asserted Claims from fifty claims to twenty claims on December 19, 2025.

15. Exhibit 2016, filed concurrently herewith, is a true and correct copy of a screenshot of a web archive as Braincorp.com/patents appeared in November 2019.

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

Dated: February 4, 2026 By: */Daniel P. Hughes/*
Daniel P. Hughes