

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**RESONAC HARD DISK CORPORATION and
RESONAC CORPORATION,**
Petitioners,

v.

MR TECHNOLOGIES GMBH,
Patent Owner.

Case No. IPR2026-00014
U.S. Patent No. 9,928,864

DECLARATION OF KENJI SHIMIZU

Petitioners Ex. 1038

I, Kenji Shimizu, declare as follows:

1. I am the Chief Technology Officer of Resonac Hard Disk Corporation. I submit this declaration in support of Petitioners' (Resonac Hard Disk Corporation and Resonac Corporation, collectively "Petitioners") opposition to Patent Owner's (MR Technologies GmbH, or "MRT") request for discretionary denial. I have personal knowledge of the facts stated herein and am competent to testify to them.

2. Resonac Hard Disk Corporation, Resonac Corporation, and Resonac America, Inc. (collectively "Resonac") were not a party to any litigation involving Western Digital Technologies, Inc. ("Western Digital") in which United States Patent Nos. 9,928,864 ("the '864 Patent"), 11,138,997 ("the '997 Patent"), and/or 12,020,734 ("the '734 Patent") were asserted.

3. Resonac was never subpoenaed, contacted, or asked by any party to provide information, documents, or testimony relating to any litigation involving Western Digital and the '864, '997, and/or '734 Patents.

4. Patent Owner never sought discovery from Resonac in any Western Digital litigation. Resonac did not receive any document requests, subpoenas, interrogatories, deposition notices, or other discovery requests directed to it in connection with those cases.

5. Western Digital never requested indemnification, defense, or other litigation support from Resonac regarding the '864, '997, and/or '734 Patents.

6. Resonac did not direct, fund, participate in, or influence Western Digital's litigation strategy or decisions in any case involving the '864, '997, and/or '734 Patents.

7. Resonac was not privy to Western Digital's internal analyses, assessments, or litigation positions regarding the '864, '997, and/or '734 Patents. Resonac had no role in formulating or supervising Western Digital's defenses against Patent Owner.

8. Resonac sells different hard disk drive magnetic recording media products to different customers. The media products Resonac sells to Western Digital are not the same products that Resonac sells to Toshiba.

9. Prior to at least April 2025, Western Digital never communicated with Resonac regarding any Western Digital litigation against Patent Owner or the '864, '997, and/or '734 Patents.

10. Prior to at least April 2025, Patent Owner did not send Resonac any demand letter, notice of infringement, or other communication accusing Resonac's products of infringing the '864, '997, and/or '734 Patent.

11. Before Patent Owner initiated litigation involving Seagate and Toshiba in April 2025, Resonac had no reason to believe that Patent Owner

considered Resonac products sold to Seagate or Toshiba as infringing the '864, '997, and/or '734 Patent.

12. Resonac did not delay in filing its *inter partes* review petitions. Resonac filed its petitions after it first became aware that Patent Owner was asserting allegations that implicated Resonac-related products in the Seagate and Toshiba products.

13. I submit this declaration to correct the factual record concerning Resonac's role in Patent Owner's prior litigation against Western Digital concerning the '864, '997, and/or '734 Patents. To the extent Patent Owner implies that Resonac was involved in the Western Digital litigation, this is false.

14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 25th December, 2025 at Tokyo, Japan

Kenji Shimizu

Kenji Shimizu

CTO, Resonac Hard Disk Corporation