UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners

v.

WHIRLPOOL CORPORATION

Patent Owner

Case IPR2026-00336
Patent 12,232,681

DECLARATION OF JUSTIN DeLAPA IN SUPPORT OF PATENT OWNER'S DISCRETIONARY DENIAL BRIEFING PURSUANT TO THE DIRECTOR'S MARCH 26, 2025 MEMORANDUM

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Justin DeLapa, declare under penalty of perjury the following:

1. I am Vice President and General Manager, Cleaning North America at Whirlpool Corporation ("Whirlpool"), and I have P&L responsibility for all dishwasher products in North America. I started at Whirlpool in June 2007, and throughout my career have held various positions in sales, operations, commercial strategy, and product marketing. I was most recently the General Manager of KitchenAid North America (small appliances) before moving to my current role in January 2026. I have knowledge of Whirlpool's history and corporate structure, and I have reviewed Whirlpool's records of the same. I also have knowledge of Whirlpool's manufacturing practices related to its dishwashers that practice U.S. Patent Nos. 12,232,681, 10,512,385, and 12,543,922.

2. Whirlpool is an American company. It was founded as Upton Machine Company in Benton Harbor, Michigan on November 11, 1911, and adopted its current name, Whirlpool Corporation, in 1950. Whirlpool still maintains its headquarters in Benton Harbor.

3. Whirlpool's first product was a patented electric motor driven washing machine, which it manufactured at its home in Benton Harbor. Since then, Whirlpool has been making its products in various factories around the United States.

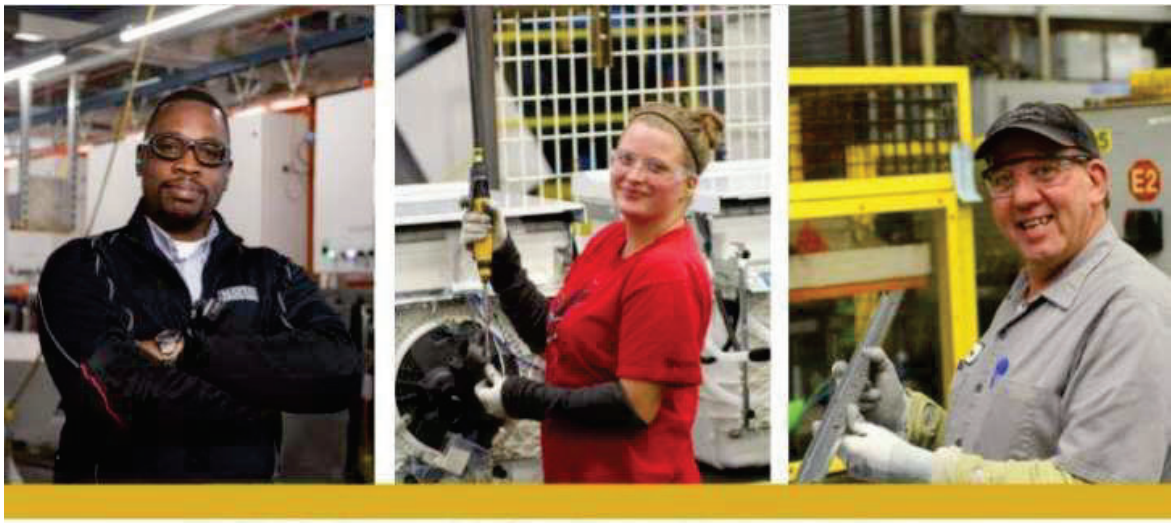
4. In addition to its headquarters in Benton Harbor, Whirlpool has ten manufacturing facilities in the U.S., in Tulsa, Oklahoma, Amana, Iowa, Racine,

Wisconsin, Findlay, Ohio, Greenville, Ohio, Ottawa, Ohio, Marion, Ohio, Clyde, Ohio, Fall River, Massachusetts, and Cleveland, Tennessee, and an eleventh facility is under development in Perrysburg, Ohio. Whirlpool employs more than 14,000 Americans in manufacturing roles at these locations and more than 20,000 total employees in the U.S. These U.S. employees make a range of products under Whirlpool's eponymous brand, as well its other brands, including KitchenAid, Maytag, Amana, InSinkErator, and JennAir. Whirlpool manufactured more than 13,000,000 products in the United States in 2025, including refrigerators, washers, dryers, ovens, cooktops, ranges, and dishwashers, and 80% of the major appliances Whirlpool sells in the U.S. are made here. Whirlpool also acquires the components for its products from 475 different U.S. manufacturers and suppliers. In fact, 96% of the steel Whirlpool uses in its US plants is made in America. Over the past 10 years, Whirlpool has invested $23 billion in manufacturing, labor and logistics in the U.S.

5. Since its founding, Whirlpool's U.S. engineering force has been committed to developing innovative technologies. Whirlpool currently employs more than 600 research and development engineers and related staff in the U.S., including at its offices in Benton Harbor, Michigan, St. Joseph, Michigan, and the locations of its manufacturing facilities referenced above. Whirlpool's engineers have contributed to more than 10,000 U.S. Patents. In addition to the inventions at issue in this proceeding, Whirlpool's engineers contributed to numerous important innovations,

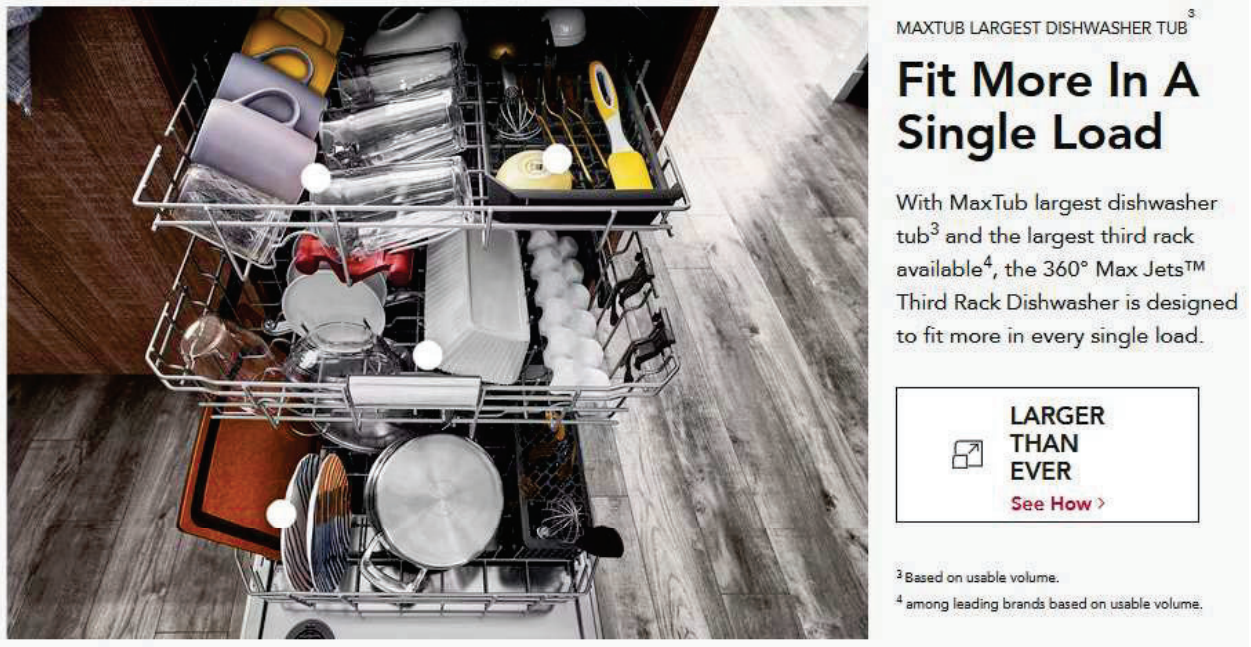
including designing an experimental space kitchen for NASA. These innovations have made Whirlpool a long term leader in the home appliance industry and allow Whirlpool to support its extensive U.S. manufacturing force and U.S. based suppliers.

6. Whirlpool's facility in Findlay, Ohio is the largest dishwasher manufacturing facility in the U.S. and one of the largest in the world. There, Whirlpool manufactures the dishwashers practicing U.S. Patent Nos. 12,232,681, 10,512,385, and 12,543,922 under Whirlpool's KitchenAid brand, amongst other products. Approximately 2,000 Whirlpool employees work in Findlay to produce up to 13,000 dishwashers per day, and over 250,000 dishwashers per year on average covered by the asserted patents. Whirlpool itself makes approximately 21% of the components that make up these dishwashers. Another 600 parts are made by other manufacturers in the United States. These components come from small and large American manufactures and support manufacturing jobs at 90 other U.S. companies. Of the over 1,200 parts used in these dishwashers, over 850 are made in the U.S. The manufacturing in Findlay can be seen in the below images:



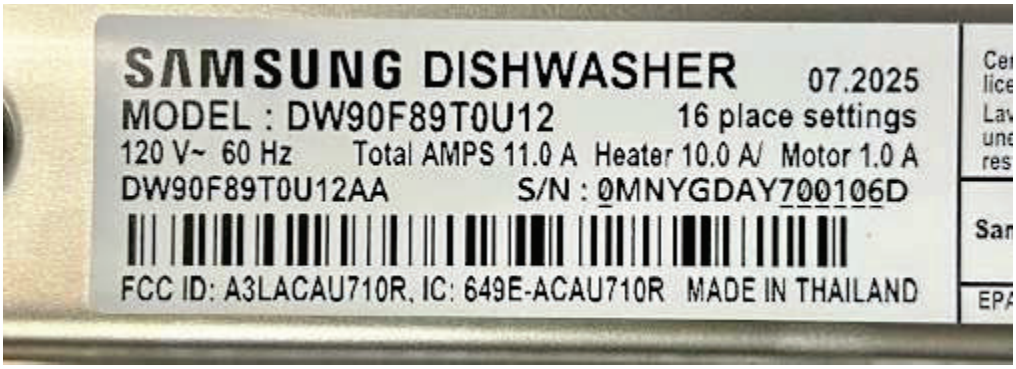
7. Whirlpool's dishwashers that practice U.S. Patent Nos. 12,232,681, 10,512,385, and 12,543,922 include three-rack dishwashers with enhanced top racks that can hold both drinkware and utensils. An example,[1] the KitchenAid 360° Max Jets™ Third Rack Dishwasher, is illustrated below:

[1] https://www.kitchenaid.com/major-appliances/dishwashers/third-rack.html



This third rack includes a sprayer that is dedicated to cleaning drinkware in the cup seats of the enhanced top racks.

8. Samsung and Whirlpool are long term competitors, particularly in household dishwashers, particularly in the premium segment. I understand that in the litigation concerning U.S. Patent Nos. 12,232,681, 10,512,385, and 12,543,922, Whirlpool alleges that Samsung's dishwasher with its "3rd Rack Washing System" infringe Whirlpool's patents. As part of its competitive research, Whirlpool acquired one of these dishwashers from a local retail store. As the labeling on this washer indicates, Korea-based Samsung manufactures these dishwashers in Thailand before importing them to the U.S.:



Labels from these same dishwashers across the U.S. indicate the same thing. To the best of Whirlpool's knowledge and research, Samsung does not have any dishwasher manufacturing presence in the U.S.

9. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001. I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 12, 2026

Justin DeLapa
Justin DeLapa (Jun 12, 2026 12:29:29 EDT)

Justin DeLapa