

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DUKE MANUFACTURING CO.,
Petitioner

V.

MARMON FOODSERVICE TECHNOLOGIES, INC.
Patent Owner.

Case IPR2026-00406
Patent 10,852,002

**DECLARATION OF MICHAEL MATTINGLY IN SUPPORT OF PATENT
OWNER'S REQUEST FOR DISCRETIONARY DENIAL**

I, Michael Mattingly, declare as follows:

I. BACKGROUND AND QUALIFICATIONS

1. I am currently the Vice President – Marketing and Product MFT Americas at Marmon Foodservice Technologies, Inc. (“Marmon” or “Patent Owner”). In preparing this declaration, I reviewed historical business records and spoke to various members of Marmon’s business units. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, I could and would testify competently to them.

2. In my capacity as Vice President – Marketing and Product MFT Americas, my responsibilities include overseeing the product development, commercialization, and marketing strategies for Marmon’s commercial foodservice equipment, including our multi-zone food holding bin product lines.

3. This Declaration is submitted in support of Patent Owner’s request for discretionary denial of institution under 35 U.S.C. § 314(a) in IPR2026-00406.

II. INDUSTRY BACKGROUND AND PRODUCT COMMERCIALIZATION

4. Marmon and its predecessor Prince Castle have been fast-food equipment innovators since the 1950s and have supplied food holding equipment to major quick-service restaurant (QSR) customers since at least the late 1990s.

5. In 2015, Prince Castle introduced its next-generation Extended Holding Bin (EHB), a multi-zone food holding bin featuring independently

controllable upper and lower heating to maintain food quality over extended holding periods.

6. Marmon's settled domestic investment architecture in its holding bin technology is anchored by a mature patent portfolio dating back to the 2015 commercial rollout of its Extended Holding Bin (EHB) product line.

7. Marmon's patented multi-zone technology is embodied in its flagship Prince Castle EHB product line (such as the EHB24 configuration), and has been so embodied since the product line was first launched.

8. Since 2015, Marmon has sold over [REDACTED] EHB units and generated over \$[REDACTED] in revenue from the domestically manufactured EHB line.

III. DOMESTIC INVESTMENTS AND MANUFACTURING

9. Marmon's business, capital allocation, and domestic supply chains settled around the exclusive rights established by this entire patent family starting in 2015.

10. To support this technology, Marmon has committed extensive domestic capital, including investing heavily in growing and maintaining its domestic supply chains, manufacturing, and assembly of the patented multi-zone food holding systems.

11. Since 2014, Marmon has spent approximately \$ [REDACTED] in R&D, engineering, capital expenditures, and marketing to develop, launch, and maintain the EHB line.

12. All EHBs sold in the U.S. market are assembled in Marmon's facility in Carol Stream, Illinois, from parts made primarily in the U.S., thus supporting supply chain of manufacturing across the Upper Midwest.

IV. PATENT MARKING, EXCLUSIVITY, AND COMPETITION

13. Marmon has continuously marked its Prince Castle EHB product line. Beginning in 2018 after the issue of the first two patents in the family, the physical label applied to EHB units has expressly listed U.S. Patent Nos. 9,976,750 and 9,980,322. The label was later updated in 2020 to also expressly list U.S. Patent Nos. 10,492,641 and 10,512,363. Throughout, the label directed the public to a virtual marking website (www.princecastle.com/patents), which was updated to list the '002 patent after that patent issued. *Id.*

14. Marmon invested significant capital and resources over several years to procure and cultivate a robust, mature patent portfolio.

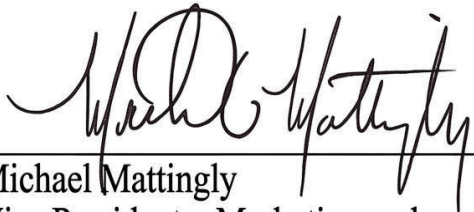
15. After Marmon introduced its EHB product in 2015, Duke introduced products incorporating the features claimed by Marmon's patent portfolio—first launching the HS2 in 2016 and later the ReadyFlex in 2023—to compete directly for major fast-food restaurant customers.

16. Marmon has never licensed the '002 patent or any other patent in its family.

17. When Marmon experienced a significant loss in market share following Duke's ReadyFlex launch, Marmon moved to enforce its patent portfolio against Duke.

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

Date: September 8, 2026



Michael Mattingly
Vice President – Marketing and
Product MFT Americas
Marmon Foodservice Technologies