

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUHTAMAKI FLEXIBLE PACKAGING GERMANY GMBH & CO. KG,
Petitioner

v.

DANAPAK FLEXIBLES A/S,
Patent Owner

Case No. PGR2023–00008
U.S. Patent No. 11,260,624 B2

DECLARATION OF SAMUEL A. RAQUE

Declaration of Samuel A. Raque

I, Samuel A. Raque, declare as follows:

1. I am an attorney with the law firm of Patterson Intellectual Property Law, P.C. I make this declaration of my own personal knowledge.
2. Our firm represents the Petitioner, Huhtamaki Flexible Packaging Germany GmbH & Co. KG, in the above-captioned matter.
3. On November 13, 2022, I accessed the webpage located at the following address: <https://www.dow.com/en-us/pdp.nucrel-3990-acid-copolymer.1891951z.html#tech-content>. That webpage is a Dow® manufacturer webpage providing technical content for a commercial polymer NUCREL™ 3990 Acid Copolymer. A true and correct PDF printout of this webpage appears at pages 1-3 of Exhibit 1011 filed in this matter.
4. I clicked on the following download link: <https://www.dow.com/en-us/document-viewer.html?docPath=/content/dam/dcc/documents/en-us/productdatasheet/914/914-25701-01-nucrel-3990-acid-copolymer-tds.pdf>. This led me to a digital copy of the above-referenced publication in PDF format. A true and correct copy of that PDF file appears at pages 4-7 of Exhibit 1011 filed in this matter.
5. The Dow® manufacturer website indicates that the above-referenced publication is an updated version that became effective on February 26, 2021.

6. On November 13, 2022, I accessed the webpage located at the following address: <https://www.dow.com/en-us/pdp.dow-4012-low-density-polyethylene-resin.63498z.html#tech-content>. That webpage is a Dow® manufacturer webpage providing technical content for a commercial polymer DOW™ 4012 Low Density Polyethylene Resin. A true and correct PDF printout of this webpage appears at pages 1-3 of Exhibit 1012 filed in this matter.

7. I clicked on the following download link: <https://www.dow.com/en-us/document-viewer.html?docPath=/content/dam/dcc/documents/en-us/productdatasheet/400/400-00007174en-dow-ldpe-4012-tds.pdf>. This led me to a digital copy of the above-referenced publication in PDF format. A true and correct copy of that PDF file appears at pages 4-6 of Exhibit 1012 filed in this matter.

8. The Dow® manufacturer website indicates that the above-referenced publication is a revised version that became effective on August 4, 2011.

9. On November 29, 2022, I accessed the webpage located at the following address: <https://www.plasticsnews.com/article/20151119/NEWS/151119853/topas-and-msm-make-progress-on-barex-replacements>. That webpage is a Plastics News webpage providing news press releases related to developments involving the the global plastics industry. A true and correct PDF printout of this webpage appears at pages 1-3 of Exhibit 1016 filed in this matter.

10. The Plastics News website indicates that the above-referenced publication is an original version that was published on November 19, 2015.

11. On November 29, 2022, I accessed the webpage located at the following address: <https://topas.com/company/news/topas%C2%AE-coc-commercial-alternative-barex>. That webpage is a TOPAS® Advanced Polymers manufacturer webpage providing news press releases related to developments involving the company. A true and correct PDF printout of this webpage appears at pages 1-3 of Exhibit 1017 filed in this matter.

12. The TOPAS® Advanced Polymers manufacturer website indicates that the above-referenced publication is an original version that was published on November 18, 2015.

13. On November 18, 2022, I accessed the PDF publication located at the following address: http://www-eng.lbl.gov/~shuman/NEXT/CURRENT_DESIGN/TP/FO/COC_topas_product-brochure_english.pdf. The publication is a product brochure from TOPAS® Advanced Polymer manufacturing. A True and correct copy of that PDF file appears as Exhibit 1019 filed in this matter.

14. The Topas® Advanced Polymers publication indicates that the above-referenced publication is an original version that became available in March, 2006.

15. On December 1, 2022, I accessed the webpage located at the following address: <https://www.msds.com/Msds/Search?q=topas%20COC%208007f-400>.

That webpage is a 3E SDS webpage providing a searchable database for Safety Data Sheets for Topas COC Polymers. A true and correct PDF printout of this webpage appears at pages 1-5 of Exhibit 1022 filed in this matter.

16. I clicked on the following download link: <https://www.msds.com/view/1309780/15397755>. This led me to a digital copy of a Safety Data Sheet for Topas COC in PDF format. A true and correct copy of that PDF file appears at pages 6-14 of Exhibit 1022 filed in this matter.

17. The 3E SDS webpage indicates that the above-referenced publication is an updated version that became effective on December 16, 2015.

18. I also clicked on the following download link: <https://www.msds.com/view/3118262/14275656>. This led me to a digital copy of a Safety Data Sheet for Topas COC in PDF format. A true and correct copy of that PDF file appears at pages Exhibit 1023 filed in this matter.

19. The 3E SDS webpage indicates that the above-referenced publication is an updated version that became effective on April 2, 2018.

20. I declare under penalty of perjury that the foregoing is true and correct. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further 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.

Executed on November 30, 2022 in Nashville, TN.



Samuel A. Raque