

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Brook & Whittle Limited
U.S. Patent No.: 11,961,422
Issue Date: April 16, 2024
Appl. Serial No.: 18/103,234
Filing Date: January 30, 2023
Title: RECYCLABLE HEAT SHRINK FILM FOR RECYCLABLE
CONTAINER

DECLARATION OF MR. CRAIG BUSHMAN

I, Craig Bushman, declare that:

1. I am Vice President of Global Research and Development of Multi-Color Corporation (“Petitioner”). I have held this position from 2018 - present.

2. I have been asked by Petitioner’s Counsel (“Counsel”) to provide information relating to Patent Owner’s Request for Discretionary Denial.

3. In writing this Declaration, I have considered the following: the ‘422 patent, the prosecution history of the ‘422 patent, the materials discussed and referenced herein, and my own knowledge and experience, including my work experience in the fields described herein, and my experience of working with others in those fields during the relevant period.

4. As noted above, I am an employee of Petitioner, and have been from 2008 – present. As an employee, it could be argued that I have a financial interest in Petitioner and the outcome of this proceeding. I am not being compensated for my work on an hourly basis for all tasks involved with this Declaration, although, once again, I am an employee of Petitioner and am compensated in connection therewith.

5. I earned a Bachelor of Science in Engineering degree from the University of Michigan (1990), and a Doctor of Philosophy degree in Chemical Engineering from the University of Illinois (1995).

6. I have served in the following capacities with Petitioner, associated with the noted dates: VP Global R&D (2018-present); Director R&D (2010-

2018); Research Manager (2009-2010). Petitioner is the successor to the Fort Dearborn Company.

7. I have approximately 16 years of experience in the field of labels and label construction. As a part of this experience, I have for many years been involved in material identification and characterization, as well as use of multiple analytical methods for purposes of field sampling, including analytical techniques such as GCMS and FTIR to analyze and classify materials. I have also for many years been involved with the recyclability of labels. As a result of my experience and frequent interaction with skilled artisans, I am familiar with the knowledge and understanding of a person of ordinary skill.

9. The following is based on my education, experience, and background in the fields discussed above.

10. Petitioner manufactures the recyclable shrink sleeve label (“RecycLABEL”) shown in EX2003.

11. Petitioner sells labels to Nestlé USA, Inc., which is a customer of Petitioner. The labels Petitioner sells to Nestlé USA, Inc. are unrelated to this proceeding.

12. Fuji Seal International, Inc. is a direct competitor to Petitioner.

13. I understand that Nestlé USA, Inc. and Fuji Seal International, Inc. are the named Defendants in Brook + Whittle Ltd. v. Nestlé USA, Inc. litigation (E.D. Tex. No. 2:24-cv-00735), the BW Litigation.

14. There is no legal or factual relationship between Petitioner as a corporate entity and Nestlé USA, Inc. as a corporate entity.

15. There is no legal or factual relationship between Petitioner as a corporate entity and Fuji Seal International, Inc. as a corporate entity.

16. Petitioner is not a party to the BW Litigation, and is not involved in the BW Litigation in any manner.

17. Neither Nestlé USA, Inc. nor Fuji Seal International, Inc. represent any of Petitioner's interests in the BW Litigation.

DATE: June 18, 2025

NAME: Mr. Craig Bushman

SIGNATURE: 