

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYPER ICE INC.

Petitioner,

v.

THERABODY, INC.,

Patent Owner.

Case No. PGR2026-00051
U.S. Patent No. 12,396,919

DECLARATION OF MAGGIE SAKIOKA

I, Maggie Sakioka, hereby declare as follows:

I. Introduction

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I currently hold the position of Senior Director of Accounting and Operations at Hyper Ice, Inc. (“Hyperice”) and have held this position for the last six and a half years. I started at Hyperice in Irvine, California in April 2014 as Accounting and Operations Manager, a position I held for six years.

3. Before Hyperice, I worked as a Junior Accountant for Accurate Accounting and Tax Services and as an Assistant Operations Manager at Express Pipe & Supply. I graduated from Fullerton College.

4. All of the testimony provided in this declaration is based on my own personal knowledge and recollection, from having worked for the company for 12 years. I am not being compensated for any of the testimony provided herein, aside from my normal salary from the company.

II. Hyperice’s Products

5. Hyperice specializes in the design and manufacture of products that improve athletic performance by enhancing mobility, recovery, and preventing injury.

6. Hyperice launched its first percussive massager, the Hypervolt, in February 2018. The Hypervolt was a battery-powered, cordless, portable, (then) state-of-the-art percussive massage device that could be utilized to relax sore, stiff muscles, increase circulation and range of motion, and improve the overall health of the body's soft tissue. The Hypervolt was well-received by the public because it was the first consumer-forward, portable percussive massager designed for use by untrained individuals rather than professionals, such as chiropractors and trainers.

7. The Hypervolt, although designed, marketed, and sold by Hyperice in the United States, was manufactured for Hyperice by Dongguan YIXUNNUO (Esino) Technology Co. Ltd. ("Esino"). Esino, in coordination with Hyperice, marked each Hypervolt with a batch number for traceability. Hyperice tracked the batch numbers to monitor manufacturing speed, shipping, and even as consumer serial numbers for product registration purposes. The Hyperice website still refers to the four digit batch (or serial) number printed on the bottom of each Hypervolt for customer support purposes.

HYPERVOLT LINE

Hypervolt / Hypervolt Plus: 4 Digit number under the on/off switch



<https://hyperice.zendesk.com/hc/en-us/articles/6355336123931-Serial-Number->

Locations

8. The batch number printed on each Hypervolt product follows the standard WWYY format, in which the first two digits (WW) represent the week as a number between 1 and 52 in which the device was manufactured, and the last two digits (YY) represent the year in which the device was manufactured. The below Hypervolt bears batch (or serial) number “3018,” which indicates it was manufactured during the 30th week of 2018, *i.e.*, between July 23 and 29, 2018:



9. Hypervolt inbound shipping logs indicate that Batch 3018, corresponding to Purchase Order #100716, was shipped by Esino between August 1, 2018 and August 13, 2018. (Ex. 1051 (Hypervolt Inventory August 31, 2018 (yellow highlighting added for convenience))). As one example, the 504 devices shipped by Esino on August 10, 2018 were received in the United States by NRI USA LLC on Hyperice's behalf on August 17, 2018, indicating a typical 7-day shipping time from China to the United States. (Ex. 1052 (Invoice No. ES180604AS01/PO-100716); Ex. 1053 (NRI Receipt No. 211045)). After receipt by NRI, which acted as Hyperice's logistics service provider for the Hypervolt, the devices would have been shipped to customers across the United States.

III. Hypervolt Testing

10. As part of the Hypervolt development, the device was tested for compliance with all applicable regulations. One such example was electromagnetic compatibility (EMC) testing for CE certification and sales in Europe. Exhibit 1054

is the report detailing the EMC test results for the Hypervolt dated March 1, 2018. This report is a standard report that would have been conducted at Hyperice's direction, and the report would have been maintained in Hyperice's records to respond to any potential audit by a European country.

11. The records submitted herewith as Exhibits 1051-1054 were made and kept in the ordinary course of Hyperice's regularly conducted business activity. It was the regular practice of Hyperice to make and maintain records of this type. Each such record was made at or near the time of the act, event, condition, or transaction reflected therein, by or from information transmitted by a person with knowledge of the matters recorded and a business duty to report them. These records were kept and maintained under my custody or supervision, or I am otherwise qualified to attest to their authenticity and the manner in which they were created, received, and/or maintained.

12. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

13. I hereby 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.

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

Dated: May 21 2026

Maggie Sakioka
Maggie Sakioka