

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CHUMS, INC. AND CROAKIES, INC.  
Petitioners

v.

CABLZ INC.  
Patent Owner

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Case (Unassigned)  
Patent 8,366,268

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**DECLARATION OF STEVEN C. VISSER**

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## I. INTRODUCTION

1. My name is Steven Carl Visser.

2. I have been retained in this matter to provide opinions regarding the background and state of the art, as well as the level of ordinary skill in the art, as of the earliest date listed under the “Related U.S. Application Data” on the cover sheet of U.S. Patent No. 8,366,268 to Williams (Ex. 1001, “the ’268 patent”), which is May 8, 2008.

3. I have also been retained by Chums, Inc. as an expert witness in the litigation *Cablz, Inc. v. Chums, Inc.*, 2:14-cv-00091-SLB (N.D. Ala.) and in the *inter partes* review IPR 2014-01240, filed August 1, 2014, which seeks the cancellation of claims 1-17 of the ’268 patent.

4. I have had no prior professional relationship with any of the parties in this matter, other than in my role as an expert witness for Chums, Inc.

5. I am being compensated at a rate of \$300 per hour for time spent on this matter, which is in no way dependent on the outcome of the present *inter partes* review.

6. I conclude that, in view of certain prior art references that I have evaluated, each of claims 1-17 of the ’268 patent was anticipated and/or would have been obvious to one of ordinary skill in the art; that is, it is my opinion that one prior art reference fully anticipates claims 1, 3, 8, 9, 11, 16, and 17 of the

'268 patent, and moreover, that the teachings of that prior art reference would have been readily combined by one of ordinary skill in the art with the teachings of two additional references as of the earliest possible effective filing date of the '268 patent, such that each of claims 1-17 of the '268 patent would have been obvious to one of ordinary skill in the art.

## **II. BACKGROUND AND QUALIFICATIONS**

7. I have been involved in the industrial design field for 29 years and have experience in both the practical and academic areas of this field, as detailed in my *curriculum vitae* (attached as Appendix A).

8. Industrial designers focus on the integration of the functional and psychological requirements of products. We consider the functional needs of both the manufacturing process and of the consumer. We consider various manufacturing processes and materials in the design of a product, often with the goal of creating a design that can be profitably produced and still fulfill all of its needs. Using the tools of production, we create new products that fulfill the ever-changing needs of society. At the same time, we design for the psychological requirements of the consumer. We create the interface and aesthetics that help the consumer understand how to use the product as well as appreciate it. One way to conceptualize what industrial designers do is to compare industrial design to architecture. Architects design buildings and

industrial designers design objects to be produced by industry (paraphrased from the Industrial Designers Society of America definition of industrial design). Thus, when I use the term “design,” I generally am not referring solely to the ornamental features of a product—my use of “design” should not be confused with the way this term is used for design patents.

9. I received a Masters of Fine Art with a major of Industrial Design in 1988 from the University of Illinois at Urbana-Champaign. I also received a Bachelor of Art with a major of Fine Art in 1982 from Northwestern College, Orange City, Iowa.

10. I am currently a tenured Full Professor at Purdue University in the area of Industrial Design. I have been at Purdue since 1989. From 1996 to 1997, I served as a Fulbright Professor at the University of Art and Design Helsinki.

11. Before teaching, I worked as an industrial designer at Hari and Associates in Skokie, Illinois. Additionally, I have served as an industrial design consultant for multiple companies during the time I have been at Purdue University.

12. I have designed a variety of products as an industrial designer, ranging from medical equipment to furniture, as detailed on my *curriculum vitae* (Appendix A). For example, I have designed several consumer products,

including cell phones for Samsung, an iPhone accessory for Klipsch, and a conceptual networking device that was exhibited internationally.

13. My design work has been recognized nationally and internationally. The recognitions my work has received at international design competitions include: Award of Excellence in the Taiwan International Design Competition, Honorable Mention in ID Magazine's 50th Annual International Design Competition, Finalist in the Korean International Travel Souvenir Design Competition, Second Place in Neste Forma Finlandia 3 International Plastic Design Competition, and Silver Winner in Idea95 Industrial Designers Excellence Award.

14. Of particular relevance to the present matter is the recognition that the designs for eyewear I created or co-created have received. Specifically, prior to May 2008, I created eyewear designs to be entered in the Opus Eyewear International Design competition in Japan. In 2001 and 2003, my Egypt Eyewear and Shades Eyewear designs, respectively, each received an Opus Award in this competition. Additionally, in 2003, my Forest Eyewear design was exhibited at Pratt Institute New York in the Eastman National IDSA Education Conference.

15. My designs have been exhibited both nationally and internationally, including at the Museum of Modern Art in New York, the Chicago Antheneum,

the Cooper Hewitt National Design Museum (Smithsonian) in New York, the Groninger Museum (Netherlands), Veletrzní Palác Prague (Czech Republic), and the Biennale Internationale Design 2000 and 2002, which is sponsored by the Museum of Modern Art in Saint-Étienne (France).

16. In view of the foregoing, I am qualified to testify as one skilled in the art with respect to the designs at issue in this matter. Particularly relevant are my experience designing a variety of consumer products, including eyewear designs; my role as a professor at Purdue University, where I teach students to design innovative new consumer products, taking into account aesthetics, function, and manufacturing techniques; and my experience both in personally designing and in instructing students in the design of projects that incorporate manufacturing techniques and materials such as those disclosed in the '268 patent. For example, various of these projects have employed injection molded plastics, flexible and resilient plastics, metal components, and soft goods

17. In addition, I am listed as an inventor on seven patents, three of which are utility patents, for designs that I created individually or as part of a team:

- U.S. D463,925 entitled “Support Structure for a Chair,” which issued in 2002;

- U.S. D440,786 entitled “Rotary Assembly Table,” which issued in 2001;
- U.S. 5,625,931 entitled “Resilient Clamp,” which issued in 1997;
- U.S. 5,522,290 entitled “Compliant Pliers,” which issued in 1996;
- U.S. D382,604 entitled “Video Game Controller,” which issued in 1997;
- U.S. D375,531 entitled “Video Game Controller,” which issued in 1996; and
- U.S. 5,568,928 entitled “Video Game Controller,” which issued in 1996.

18. I have authored the following publications in the last 10 years:

- *Breaking the Rules of Visual Perception*, Steve Visser and Cheryl Qian. IDSA National Education Symposium, Published online, [www.idsa.org/sites/default/files/Visser-Paper\\_Breaking\\_the\\_rules\\_of\\_Visual\\_Perception.pdf](http://www.idsa.org/sites/default/files/Visser-Paper_Breaking_the_rules_of_Visual_Perception.pdf), Chicago, IL, August 21, 2013.
- *Beyond the Computer Screen: Applying Information Visualization in Product Design*, Cheryl Qian, Steve Visser and Victor Chen, IDSA National Education Symposium, Published online at [www.idsa.org/sites/default/files/Qian-](http://www.idsa.org/sites/default/files/Qian-)



Paper\_BeyondTheComputerScreen.pdf, Chicago, IL,  
August 21, 2013.

- *What You Can Get From 48 Hours: The Future of Design Leadership*, IDSA Education Symposium, Published online at <http://www.idsa.org/what-you-can-get-48-hours-future-design-leadership>, Boston MA. Visser S. Qian C.Z. Chen V.Y., 2012.
- *A Collaborative Effort: Integrating Interaction Design Evaluation into Product Design Process*, IDSA Education Symposium 2011, Published online at <http://www.idsa.org/sites/default/files/ACollaborativeEffortIXDEvaluation.pdf>, New Orleans LA, Qian C.Z. Visser S.
- *Enhancing Interaction Design Education with a Multi-disciplinary Approach*, in Proceedings of the 4th International Conference on Mechanical Engineering and Mechanics, Suzhou, P.R. China, p. 904-910. Visser S. Qian C.Z., 2011.
- *Integrating User Experience Research into Industrial Design Education: Interaction Design Program at Purdue*, Cheryl Qian, Steve Visser and Victor Chen, National Collegiate Inventors and Innovators Alliance Conference, Published online at <http://nciia.org/sites/default/files/u7/Qian.pdf> Washington DC, March 25, 2011.

- *How to Effectively Incorporate Corporate Sponsored Projects and Design Competition into Design Curriculum*, published in Proceedings of International Conference on Mechanical Engineering and Mechanics, Wuxi China, p. 2219-2224, 2007.

19. In the last four years I have testified or been deposed in the following cases:

- *Magnadyne Corp. v. Best Buy*, Central District of California, Western Division, Case No. CV09-1763-AHM, in which I was deposed as an expert witness.
- *Datel Holdings LTD. v. Microsoft Corporation*, Northern District of California, San Francisco division, Case No. 09-CV-05535 EDL, in which I was deposed as an expert witness.
- *Spellbound v. Pacific Handy Cutter*, Eastern District of California, Sacramento Division, Case No. 2:05-CV-00971-WBS-DAD, in which I gave declarations as an expert witness.
- *Sofpool LLC v. Kmart and Big Lots*, Eastern District of California, Sacramento Division, Case No. CV 10-03333 LKK (JFMx), in which I gave declarations as an expert witness.
- *Nordock, Inc. v. Systems, Inc.*, Eastern District of Wisconsin, Case No. 11-CV-0118, in which I gave declarations and testified as an expert witness.

- *Frito-Lay North America Inc. v. Medallion Foods*, Eastern District of Texas, Sherman Division, Case No. 4:12-CV-00074-ALM, in which I was deposed and testified as an expert witness.
- *MSA Products, Inc. v. Nifty Home Products, Inc.*, District of New Jersey, Case No. 2:11-CV-05261.
- *M-Edge, Accessories LLC v. Amazon.com, Inc., District of Maryland*, Case No. 11-CV-05261.
- *PNY v. Phison Electronics*, United States Patent Trial and Appeal Board, Case IPR2013-00472, in which I was deposed.

### **III. SCOPE AND PREPARATION OF DECLARATION**

20. In formulating my opinions in this declaration, I have reviewed and considered the documents listed in Appendix B.

21. This declaration may rely on the documents and information cited, referred to, and identified herein, and on my own skill, experience, and knowledge.

22. For any future testimony I may give in this matter, I may use some or all of the documents and information cited to, referred to, and identified in this declaration, as well any additional materials that are entered into evidence in this matter.

#### **IV. RELEVANT PERIOD**

23. I have been asked to focus my determinations of what would or would not be obvious to one of ordinary skill in the art to a specific timeframe, which I understand to be the time at which the alleged invention of the '268 patent was made.

24. I have been informed that the earliest date to which the '268 patent can possibly claim priority is May 8, 2008. Additionally, I have been informed that due to a "one-year statutory bar," the inventor of the '268 patent cannot use an earlier invention date to overcome prior art references that were published prior to May 8, 2007.

25. My conclusions are based on what one of ordinary skill in the art would have found obvious during the relevant period, which is on or before May 8, 2008, and my conclusions focus more particularly on the subset of this period that is on or before May 8, 2007.

#### **V. LEVEL OF ORDINARY SKILL IN THE ART**

26. I am not a lawyer and provide no opinions of law.

27. For the purposes of this declaration, I have been informed of certain aspects of the law that are relevant to my analysis and opinions.

28. I have been informed by counsel of the legal standards used to determine the level of ordinary skill in the art.

29. I understand that prior art references can provide evidence of the level of ordinary skill in the art and that factors that may be considered in determining this level of skill can include the educational level of the inventors, the type of problems encountered in the art, the prior art solutions to those problems, the rapidity with which innovations are made, the sophistication of the technology, and the educational level of active workers in the field.

30. Based on my review of the prior art, including Exhibits 1002-1003 and 1014-1017, I conclude that the prior art is primarily focused on mass-produced consumer products.

31. In the Industrial Design program at Purdue University, we introduce design of consumer products, including injection molding, in the second year. In the junior and senior years of this program, students take on designing more complex objects. In the Junior and Senior year students are given projects in which they can often use various manufacturing processes combined together.

32. It is my opinion that one of ordinary skill in the art during the relevant period would include a recent graduate in industrial design or engineering, with at least one year of experience, or someone who has gained knowledge through five to ten years of practical experience in the research and development of consumer products. I have found that an average industrial

design student entering the design profession with one year of experience is capable of creating consumer products at a similar level of complexity as the designs shown in the '268 patent and the prior art, particularly those involving the combination of soft goods and injection molded plastic elastomers.

33. Based on this definition, I am a person of at least ordinary skill in the art. I have worked with many others who likewise meet this definition. I thus know the abilities of one of ordinary skill in the art.

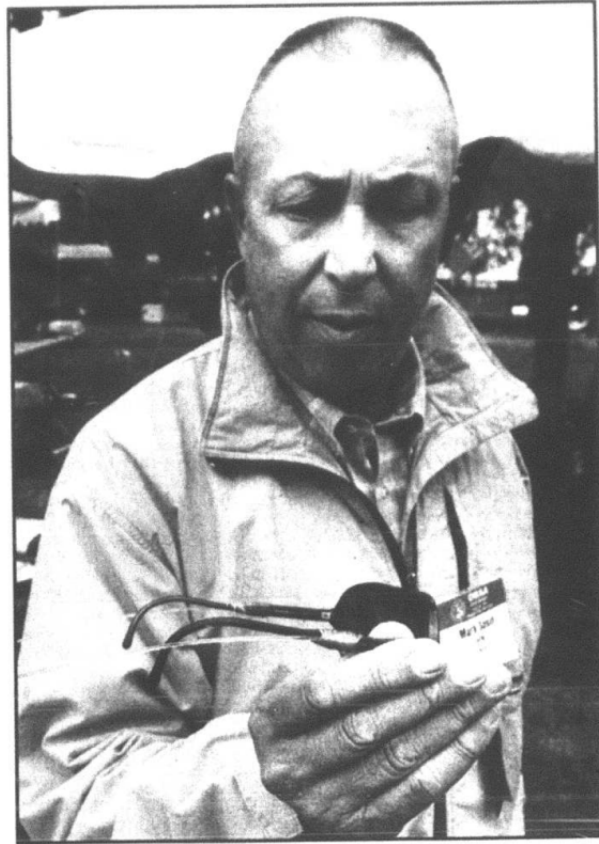
## **VI. TEACHINGS OF THE PRIOR ART**

### **A. Monroe**

34. I have reviewed the newspaper article by Bill Monroe, *Outdoor folks don't use trendy glasses-holders*, The Oregonian, July 4, 1991, at E4 (Ex. 1002, "Monroe"), which predates the May 7, 2007 date by over 15 years. (Ex. 1002 at 1.)

35. Monroe briefly discusses popular eyewear retainers that a user wears "around the back of his neck to hold his sunglasses on." (Ex. 1002 at 3, ¶¶ 1, 5, 7.)

36. Monroe also discusses other eyewear retainers, including an eyewear retainer design used by Mark Sosin. (Ex. 1002 at 4-5.) Monroe includes a picture of Sosin's retainer (reproduced below) and describes the retainer in detail (quoted below):



*Monroe, Photograph of Mark Sosin  
with Eyewear Retainer (Ex. 1002 at 2.)*

[Sosin] bends a length of 300-pound test monofilament so thick and stiff that the only knot it would take would be big enough to tie up a small ship.

“I don’t like light line that falls on my neck in the heat,” Sosin said. “It feels like a bug; it just bothers the heck out of me.”

He cuts off a slice of the heavy line and ties it to the frame by wrapping dental floss around it and finishes off the knot as if he were tying a fly.

First, Sosin cautioned, the end of the monofilament should be heated. This expands it and will prevent the monofilament [sic] from slipping through the finish knot.

Sosin said his retainer never hangs up and never drapes around his neck. Indeed, it sticks straight out behind his head at all times the glasses are worn, and yet easily comes off to hang the glasses around his neck.

(Ex. 1002 at 5, ¶¶ 4-8.)

37. I understand the ordinary meaning of the word “monofilament,” as used in the Monroe newspaper article, to be “a single untwisted synthetic filament (as of nylon).” (*See* Ex. 1010 at 3; Ex. 1011 at 3; Ex. 1012 at 1.)

38. Based on the description of the monofilament in Monroe, I conclude that the monofilament used in Sosin’s eyewear retainer is an elongated piece of resilient plastic.

39. I also conclude that each of the tied pieces of floss is a temple retainer, given that these devices retain, or hold onto, the temples of the eyewear to which Sosin’s eyewear retainer is attached.

40. I further conclude that these temple retainers are connected by the monofilament, given that the monofilament links the left and right temple retainers.



41. I further conclude that when Sosin's retainer is in use, the monofilament extends rearward from the head of the wearer and is suspended off the neck of the wearer.

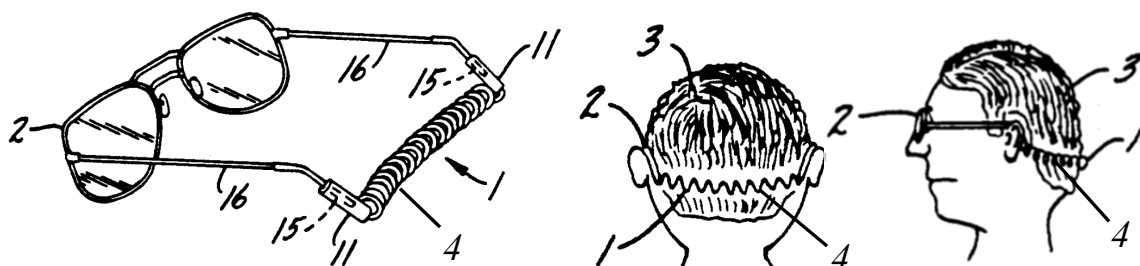
42. Monroe states: "He bends a length of 300-pound test monofilament . . . . [H]is retainer never hangs up and never drapes around his neck. Indeed, it sticks straight out behind his head at all times the glasses are worn." (Ex. 1002 at 2, photo; 5, ¶¶ 4, 8.)

43. I thus conclude that when Sosin's retainer is in use, the monofilament forms an arc suspended substantially in the air.

44. I further conclude that Sosin's monofilament has a proximal end and a distal end, and that each end of the monofilament is secured to one of the temple retainers.

**B. McClellan**

45. U.S. Patent No. 5,181,052 to McClellan (Ex. 1016, "McClellan") teaches an eyeglass retainer 1 that includes a pair of connectors 11 that are connected to the terminal ends of an expandable coil 5, as shown in FIGS. 1-3 (reproduced and annotated below). (Ex. 1016 at 3, col. 2, ll. 17-27.)



FIGS. 1-3 of McClellan (Ex. 1016 at 2, annotated.)

46. McClellan indicates that the connectors 11 can be connected to the expandable member 4 “by a suitable adhesive, such as Duro Quick Gel brand cyanoacrylate ester.” (Ex. 1016 at 3, col. 2, ll. 24-27.)

47. McClellan teaches that the expandable member 4, or coil, is resilient and acts as a spring to automatically adjust to the size of the head of the wearer and to return essentially to its original configuration after the retainer 1 has been removed from the eyeglasses. (Ex. 1016 at 3, col. 2, ll. 48-56.)

48. McClellan clearly teaches that the two connectors are used with temples of eyewear, and the connectors are connected by the resilient coil. (See, e.g., Ex. 1016 at 3, col. 2, ll. 10-27, ll. 48-56.)

49. Each of McClellan’s connectors clearly includes an opening for receiving the temple of a pair of eyeglasses. (See, e.g., Ex. 1016 at 3, col. 2, ll. 27-29.)

50. Each of McClellan’s connectors clearly includes a front portion and a back portion, with the front portion comprising an opening for receiving the

temple of a pair of eyeglasses and the back portion being connected to a resilient coil. (*See, e.g.*, Ex. 1016 at 3, col. 2, ll. 17-29.)

51. Each of McClellan's connectors is retained on an eyeglass temple by a friction fit. (*See, e.g.*, Ex. 1016 at 3, col. 2, ll. 32-35.)

52. McClellan clearly teaches that its resilient coil has a proximal end and a distal end, with each end of the coil being secured to a separate connector. (*See, e.g.*, Ex. 1016 at 3, col. 2, ll. 17-29.)

53. I conclude that McClellan unambiguously demonstrates a suitable method for connecting a pair of temple retainers, such as those recited in claims 1, 4-6, 8, 9, 12-14, 16, and 17 of the '268 patent, to the ends of a resilient plastic member.

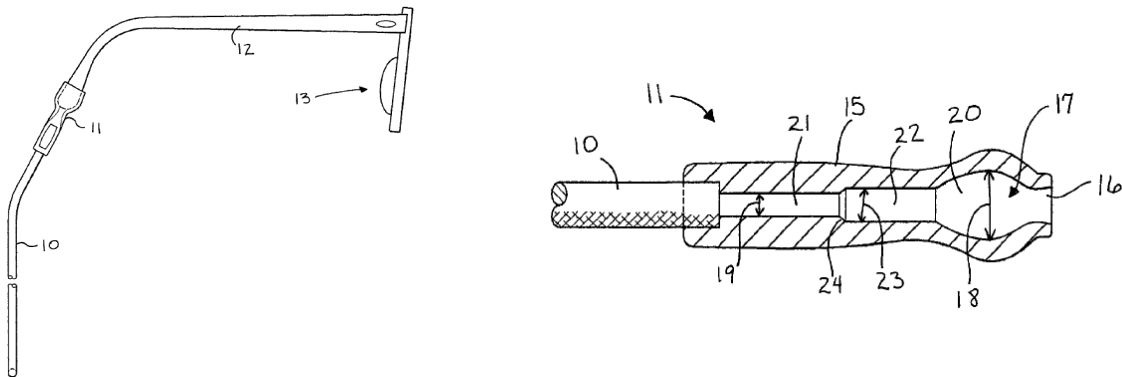
54. I conclude that there would have been no technical barrier for one of ordinary skill in the art, as of the earliest possible effective filing date of the '268 patent, to attach McClellan's temple retainers to the ends of Monroe's piece of monofilament using the methodology disclosed in McClellan.

55. I further conclude that such a combination of the teachings of McClellan and Monroe would have been obvious to one of ordinary skill in the art as of the earliest possible effective filing date of the '268 patent.

**C. Liu**

56. U.S. Patent No. 6,644,808 to Liu discloses an eyewear retention device that includes two fasteners, or temple retainers 11, attached to a “cord or rope 10,” such as a nylon rope. (Ex. 1017 at 4, col. 2, ll. 33-38; 5, col. 3, ll. 60-63.)

57. Liu’s retention device is depicted in FIGS. 1 and 3, which are reproduced below.



*FIGS. 1 and 3 of Liu (Ex. 1017 at 2.)*

58. Liu discloses a method for attaching the temple retainers to opposite ends of the rope 10, which is an elongated member. (Ex. 1017 at 4, col. 2, ll. 33-38.)

59. Specifically, Liu teaches that the temple retainer is preferably secured to the cord or rope 10 by being molded thereto. The process of molding an elastomeric material to a nylon rope is known in the art and usually involves use of a two

part adhesive . . . being applied to the end of the rope at the time of molding the fastener thereon to insure a good chemical bond between the nylon cord and the molded elastomer. While molding attachment [sic] is presently preferred, any other method of attachment can be used.

(Ex. 1017 at 5, col. 3, ll. 62-67, col. 4, ll. 1-4.)

60. I conclude that there would have been no technical barrier for one of ordinary skill in the art, as of the earliest possible effective filing date of the '268 patent, to attach Liu's temple retainers to the ends of Monroe's piece of monofilament using the methodology disclosed in Liu.

61. I further conclude that one of ordinary skill in the art would not have been dissuaded from attempting such a substitution because the specific nylon rope disclosed in Liu may have a resiliency that differs from that of Monroe's monofilament.

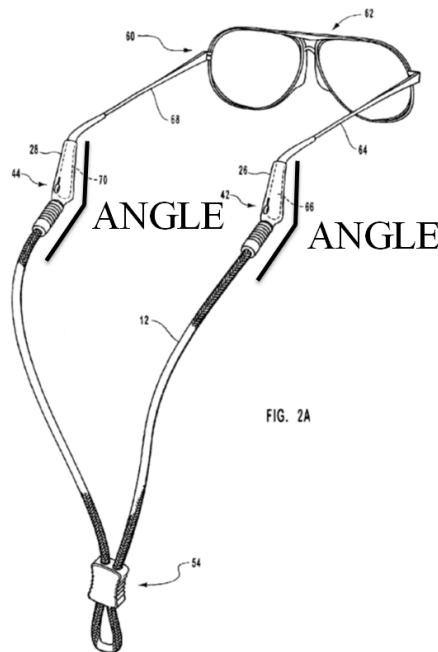
62. I conclude that the combination of Liu's temple retainers with Monroe's monofilament would have been obvious to one of ordinary skill in the art as of the earliest possible effective filing date of the '268 patent.

#### **D. Mackay**

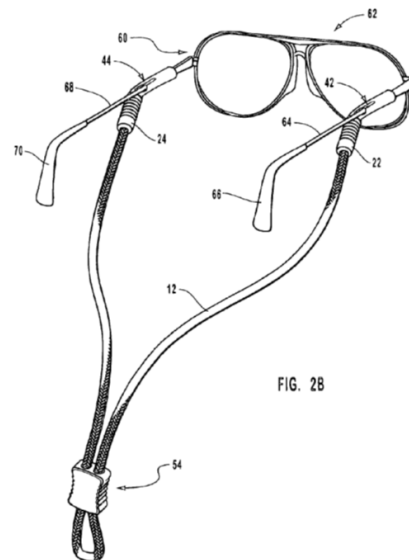
63. U.S. Patent No. 6,941,619 to Mackay (Ex. 1003, "Mackay") is yet another of many references that demonstrates that, during the relevant period, it was well known in the art of eyewear retention devices to connect a pair of

“temple retainers” to opposite ends of an elongated piece of material, such as a cord or filament member, using manufacturing techniques that were standard at that time.

64. Mackay teaches an eyeglass retainer that includes a cord 12, a first connector (*e.g.*, temple retainer) 18 coupled to a first end of the cord, and a second connector (*e.g.*, temple retainer) 20 coupled to a second end of the cord, as shown in FIGS. 2A and 2B (reproduced below, with annotations to FIG. 2A).



*FIG. 2A of Mackay  
(Ex. 1003 at 4, with annotations.)*



*FIG. 2B of Mackay  
(Ex. 1003 at 5.)*

65. Mackay's connectors are capable of “selectively coupl[ing] to different portions of an eyeglass,” as demonstrated in FIGS. 2A and 2B (reproduced above, with annotations to FIG. 2A).

66. Mackay teaches two connectors for use in attaching the retainer to eyewear, and the connectors are connected by a cord. (*See, e.g.*, Ex. 1003 at 1, Abstract.)

67. Each of Mackay's connectors includes an opening for receiving the temple of a pair of eyeglasses. (*See, e.g.*, Ex. 1003 at 8, col. 3, ll. 19-21.)

68. Each of Mackay's connectors includes a front portion and a back portion, with the front portion comprising an opening for receiving the temple of a pair of eyeglasses and the back portion being connected to a cord. (*See, e.g.*, Ex. 1003 at 7, col. 2, ll. 64-67.)

69. Each of Mackay's connectors is retained on an eyeglass temple by a friction fit. (*See, e.g.*, Ex. 1003 at 8, col. 3, ll. 65-67.)

70. Mackay's FIG. 2A shows that each of the connectors includes an angle that normalizes the direction of the cord rearward from the wearer's head in response to a curved end portion of the eyeglass temple. The angle of each connector is illustrated above as an annotation to FIG. 2A.

71. Mackay teaches a cord having a proximal end and a distal end, with each end of the cord being secured to one of the connectors. (*See, e.g.*, Ex. 1003 at 1, Abstract.)

72. Mackay indicates that the cord may be formed of a variety of different materials, such as "a flexible braided line, a wire, a chain, a rope, a

string, an elongate elastomeric member, a leather or cloth member, a strand, or a variety of other elongate members comprised of a variety of different materials.” (Ex. 1003 at 9, col. 5, ll. 38-43.)

73. I conclude that the foregoing teaching of Mackay would have provided one of ordinary skill in the art with the motivation to use other suitable eyewear retainer materials with McClellan’s eyewear retainers, such as, for example, Liu’s cord materials, McClellan’s expandable plastic member, or Monroe’s monofilament.

74. Mackay further indicates that any suitable method of connection between the temple retainers and the cord is contemplated. (*See* Ex. 1003 at 8, col. 3, ll. 8-10.)

75. Mackay discusses one such connection method in detail, which resembles the attachment method disclosed in McClellan:

In one embodiment, each such end 26, 28 [of connectors 18, 20] comprises a hollow chamber configured to receive a cord end therein. In one such embodiment, an adhesive is applied to the ends 14, 16 of cord 12 (or to ends 22, 24 of connectors), after which the ends 14, 16 are mounted within respective ends 22, 24 of connectors 18, 20, thereby coupling cord 12 to connectors 18, 20.

(Ex. 1003 at 8, col. 3, ll. 2-8.)



76. Mackay discloses a further connection method that resembles the method taught in Liu:

Each connector 18, 20 may be injection or insertion molded or may be made through a variety of different methods. Each connector may thus comprise an injection molded member having a first hollow chamber (which receives an end of the cord therein . . .).

(Ex. 1003 at 8, col. 4, ll. 53-59.)

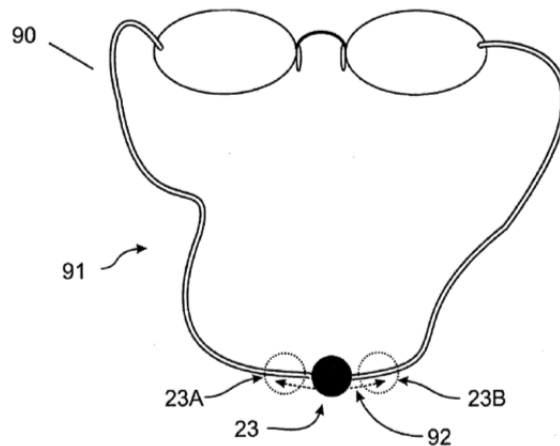
77. I conclude that there would have been no technical barrier for one of ordinary skill in the art, as of the earliest possible effective filing date of the '268 patent, to attach Mackay's temple retainers to the ends of Monroe's piece of monofilament using either of the methodologies disclosed in Mackay.

78. I further conclude that one of ordinary skill in the art would not have been dissuaded from attempting such a substitution merely because certain cord materials disclosed in Mackay may have a resiliency that differs from that of Monroe's monofilament.

79. I conclude that the combination of Mackay's temple retainers with Monroe's monofilament would have been obvious to one of ordinary skill in the art as of the earliest possible effective filing date of the '268 patent.

**E. Miller**

80. U.S. Patent Application Publication No. 2007/0046889 to Miller et al. (Ex. 1004, “Miller”) discloses a “flexible temple assembly,” such as that depicted in FIG. 9 (reproduced below), for which a “flexible temple material” can be suitably formed from any of a variety of materials. (Ex. 1004 at 12, ¶¶ 10, 11.)



*FIG. 9 of Miller (Ex. 1004 at 10.)*

81. I conclude that Miller’s teachings regarding its “flexible temple assembly,” of which various embodiments are disclosed, would have been considered directly relevant to the field of temple retainers by one of ordinary skill in the art during the relevant period.

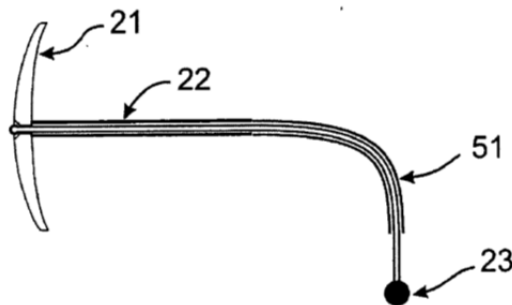
82. Miller states that the flexible temple material can be “monofilament fibers,” whether clear or opaque. (Ex. 1004 at 13, ¶ 24.)

83. Miller further states that the flexible temple material

can be clear monofilament polymer with or without cladding capable of photonic transmission. The flexible temple material can also be of chain, cloth, woven string, flexible fiber, plastic, composite, wire, optical fiber, electrical conductor, cable, multi-clad cable, coaxial cable, rottable [sic] in longitudinal axis cable insert, metal, and tubing . . . low modulus flexible wire or any other suitably flexible material.

(Ex. 1004 at 12, ¶ 11; 13, ¶ 24.)

84. Miller discloses yet additional materials that are suitable for the flexible temples, as can be used with the embodiment depicted in FIG. 5 (reproduced below).



*FIG. 5 of Miller (Ex. 1004 at 6.)*

85. Miller states:

FIG. 5 shows a cross section view of an embodiment of an assembly 50 wherein the lens 21 has a flexible temple element 22 extending through the lens and also through a curved housing 51. The curved housing 51, also flexible, is designed to rest on the saddle of the user's ear. A counterweight 23 is applied to the distal end of the flexible temple element to provide the force

needed to secure the eyewear to the user's face. The curved flexible housing can be used for many purposes and in many applications. For example an insulator or protecting mechanism for clear monofilament polymer, flexible fiber, plastic, composite, wire, optical fiber, electrical conductor. The flexible housing or sheath can contain a cable, multi-clad cable, coaxial cable, tubing, rotary flex drive cable or a push-spring cable. Each of these can find many applications. . . . [F]lexible temple elements comprised of flexible sheaths or housing, can have various inside flexible material which can act as transmission channels for physical manipulation of objects, transmission of rotary power for wheels gears or lens wipers at the eyewear ends controlled from the counterweight or distal end, expression of fluids, transmission of light or power, conduction of power or heat, all from a level blow [sic] the ears.

(Ex. 1004 at 14, ¶ 32.)

86. Based on my review of Miller, including the foregoing excerpts, I conclude the following.

87. Miller expressly teaches that it was known to use monofilament, such as that used in Monroe, with eyewear retaining devices.

88. Miller also teaches that such monofilament can be replaced with a variety of other materials. That is, Miller establishes that eyewear retaining devices formed with an elongated piece of resilient plastic (*e.g.*, monofilament)

can suitably be modified to include any of a variety of replacement materials for the resilient plastic.

89. One of the many materials that is a suitable replacement for monofilament, as taught by Miller, is coaxial cable.

90. Based on my own knowledge as one of skill in the art, coaxial cable was a commonly known material as of the relevant period. Coaxial cable is (and was) available in a variety of forms with varying resiliencies, and is generally known to have a metallic core that is coated in a smooth casing.

91. I reserve the right to provide further evidence regarding various properties, configurations, and compositions of coaxial cable.

92. Miller also teaches that wires, cables, multi-clad cables, and metal, among other materials, are suitable replacements for a piece of resilient plastic, such as monofilament.

93. Miller also teaches that a flexible element used with eyewear retaining devices can have cladding.

94. Miller further discloses, as a suitable replacement for monofilament, a flexible element for eyewear retention devices that can be “comprised of” a flexible sheath that has any of various materials inside, including wire, electrical conductor, cable, multi-clad cable, coaxial cable, tubing, rotary flex drive cable, or push-spring cable.

95. I conclude that Miller teaches the use of any suitable flexible material for eyewear retention devices.

96. I conclude that Miller specifically teaches the use of resilient cables for eyewear retention devices.

97. I conclude that Miller specifically teaches the use of a cable that is made from a metallic core coated in a smooth casing for eyewear retention devices.

98. I further conclude that Miller teaches the use of monofilament for use in eyewear retention devices, and further, that the monofilament may be replaced with a cable that is made from a metallic core coated in a smooth casing.

99. Even in the absence of Miller's express teachings for doing so, one of ordinary skill in the art during the relevant period would have found it a routine task to select any suitable material exhibiting a desired property for use in an eyewear retention device.

100. For example, it would have been obvious for one of ordinary skill in the art to select any suitable material that is capable of extending rearward from the head of a wearer, being suspended off the neck of the wearer, and forming an arc suspended substantially in the air as a replacement for the monofilament of Monroe, which exhibits these properties.

**VII. COMBINATIONS OF THE TEACHINGS OF MONROE, MACKAY, AND MILLER WOULD HAVE BEEN OBVIOUS TO ONE OF ORDINARY SKILL IN THE ART**

101. I have been informed that it is a well-established principle of law that one of ordinary skill in any art would find obvious the simple substitution of one known element for another, and I have also found this principle to be true based on my own experience as one having ordinary skill in the art.

102. One skilled in the art would find that Monroe's teachings are readily combinable with those of Mackay and Miller due to how simply the parts from one reference can be substituted with the parts of another, as well as for numerous other reasons.

103. For example, each of Mackay and Miller is directed to the same field of endeavor as Monroe, and thus one having ordinary skill in the art clearly would have considered all of their teachings collectively.

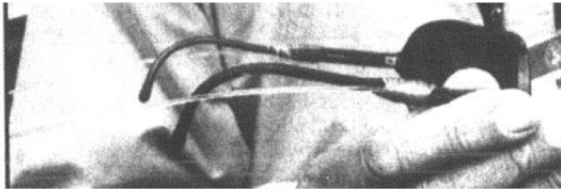
104. Moreover, the eyewear retention device claimed in the '268 patent is a simple mechanical device for which elements are able to be combined in known and predictable fashions. I have been informed that it is a well-established legal principle that the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results, and I have also found this principle to be true based on my own experience as one having ordinary skill in the art.

105. Further, as discussed with respect to specific combinations of references hereafter, the references themselves provide explicit teachings, suggestions, and motivations by which one skilled in the art would be prompted to combine the teachings of the references in the various described manners.

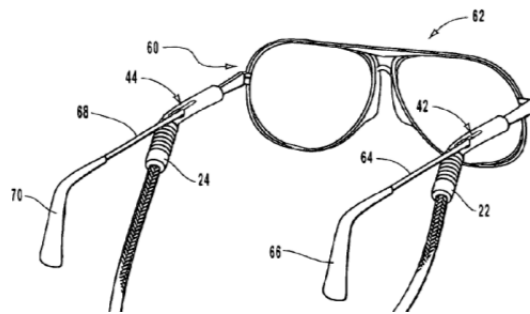
**A. The Combination of Monroe in View of Mackay Would Have Been Obvious to One of Ordinary Skill in the Art**

106. It would have been obvious for one of ordinary skill in the art to combine the teachings of Monroe and Mackay, using Monroe as the primary reference, for the reasons discussed immediately above and hereafter.

107. For reference, the photograph from Monroe and FIG. 2B of Mackay are reproduced side-by-side below.



*Photograph from Monroe  
(Ex. 1002 at 2.)*



*FIG. 2B of Mackay  
(Ex. 1003 at 5, cropped.)*

108. As I have discussed at length above, those of ordinary skill in the art during the relevant period were highly capable of attaching friction-based temple retainers to cords, filament members, or other elongated structures, as evidenced by at least McClellan, Liu, and Mackay.



109. I have also been informed that it is likely obvious to merely apply a known technique to a piece of prior art ready for improvement.

110. On this and other bases, I conclude that it would have been obvious to one of ordinary skill in the art to replace the floss temple retainers of Monroe (Ex. 1002 at 5, ¶ 6) with the temple retainers of Mackay as a matter of obvious design choice, or stated otherwise, as the mere application of a known technique to readily improve Monroe.

111. Use of the temple Mackay's temple retainers with the monofilament piece of Monroe would have allowed users to attach the retainers to glasses without having to heat the monofilament or knowing how to finish a knot as if "tying a fly." (See Ex. 1002 at 5, ¶¶ 6, 7.)

112. Mackay also teaches other advantageous features that would have prompted one of ordinary skill in the art to combine the teachings of Mackay with those of Monroe.

113. For example, as previously mentioned, Mackay's connectors are capable of "selectively coupl[ing] to different portions of an eyeglass," as demonstrated in FIGS. 2A and 2B (reproduced in Section VI.B *supra*, with annotations to FIG. 2A). (Ex. 1003 at 7, col. 2, ll. 61-63.)

114. As shown in FIG. 2A, each temple retainer is capable of coupling to an end portion of an eyeglass temple. (Ex. 1003 at 7, FIG. 2A.)

115. As shown in FIG. 2B, each temple retainer is also capable of permitting the temple of the glasses to pass through a tubular wall thereof. (Ex. 1003 at 8, col. 4, ll. 16-25.) The temple retainers thus can grip the temple at a position that is closer to the lenses of the glasses. (*Id.*)

116. Accordingly, one of ordinary skill in the art would have been motivated to combine the teachings of Mackay's temple retainers with the monofilament line of Monroe in order to render the temple retaining device of Monroe more versatile.

117. Mackay also provides a clear suggestion from which one of ordinary skill in the art would be prompted to replace Mackay's "cord" with other suitable materials, such as the monofilament of Monroe, with a reasonable expectation of success. In particular, Mackay states:

Cord 12 may comprise a variety of different elongate members that extend between first and second [temple retainers]. For example, cord 12 may comprise a flexible braided line, a wire, a chain, a rope, a string, an elongate elastomeric member, a leather or cloth member, a strand, or a variety of other elongate members comprised of a variety of different materials that can serve as a retainer cord. A variety of additional examples of materials that [sic] can be employed for a cord 12 of the present invention.

(Ex. 1003 at 9, col. 5, ll. 36-45.)

118. Moreover, one of ordinary skill in the art also would have noticed that the monofilament of Monroe is attached to the eyeglasses temple at the same position illustrated in FIG. 2B of Mackay, as shown in the side-by-side comparison of these images above.

119. The skilled artisan would have immediately recognized that a simple substitution of the eyewear retainers of Mackay for the attachment method employed in Monroe would be possible, with a reasonable expectation of success, and would also provide the advantages discussed above.

120. Furthermore, it would have been obvious to connect the temple retainers of Mackay to the ends of the monofilament of Monroe, given that Mackay teaches attachment techniques that were commonly known to those of ordinary skill in the art at the time of the alleged invention of the '268 patent, as previously discussed.

**B. The Combination of Monroe in View of Mackay, and Further in View of Miller Would Have Been Obvious to One of Ordinary Skill in the Art**

121. It would have been obvious for one of ordinary skill in the art to combine the teachings of Monroe, Mackay, and Miller, using Monroe as the primary reference, for the reasons discussed above (*e.g.*, in the introduction of Section VII and in Section VII.A) and hereafter.

122. As discussed in Section VI.E *supra*, Miller establishes that it was known in the art of eyewear retaining devices to substitute an elongated piece of resilient plastic with a flexible metallic cable having a smooth casing.

123. For example, Miller discloses that a “monofilament polymer” or a “monofilament fiber” can be replaced with any suitably flexible material, including “cable, multi-clad cable, coaxial cable” (*See* Ex. 1004 at 12, ¶ 11; 13, ¶ 24; 14, ¶ 32.)

124. I conclude that one of ordinary skill in the art would have found it obvious to replace the monofilament used in an eyewear retention device resulting from a combination of the teachings of Monroe and Mackay with any suitable material disclosed in Miller.

## **VIII. AVAILABILITY FOR CROSS-EXAMINATION**

125. I recognize that my testimony in this declaration may be subject to cross-examination. I hereby agree to appear for cross-examination if further testimony is required.

## **IX. RIGHT TO SUPPLEMENT**

126. I reserve the right to supplement or revise this declaration based on any additional information that may become available to me in this matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or 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.

Date: January 22, 2014

  
\_\_\_\_\_  
Steven C. Visser

# Curriculum Vitae

## **Steve Visser**

2472 Gala Court  
West Lafayette, IN 47907  
svisser@purdue.edu  
765-494-2295 office  
765-491-9633 cell

### **Education**

- 1988      **University of Illinois at Champaign-Urbana**  
MFA in Industrial Design
- 1982      **Northwestern College**  
BA in Fine Arts, Sculpture

### **Academic Appointments**

- 2006-Present      **Professor**  
Industrial Design  
Patti and Rusty Rueff Department of Visual and Performing Arts  
Purdue University
- 1996-2006      **Associate Professor**  
Industrial Design  
Patti and Rusty Rueff Department of Visual and Performing Arts  
Purdue University
- 1990-1996      **Assistant Professor**  
Industrial Design  
Department of Visual and Performing Arts  
Purdue University
- 1989-1990      **Visiting Assistant Professor**  
Industrial Design  
Department of Creative Arts  
Purdue University
- 1986-1988      **Teaching Assistant**  
University of Illinois at Champaign-Urbana

### **Professional Positions**

- 2005-present      **DesigNapkin**  
Co-Founder  
West Lafayette, IN
- 1990-2005      **Steve Visser Design**  
Industrial Design Consultant  
West Lafayette, IN
- 1988-1989      **Hari and Associates**  
Industrial Designer  
Skokie, IL

## **Awards and Honors**

- 2014 **Associate Fellow**  
American Academy in Rome (see Fellowships and Residencies)
- 2007 **Honorary Professor**  
Nanjing University of Science and Technology, Nanjing China
- 2005 **Regional Competition: Indiana Venture Idol**  
Winner: Coolest Idea (see Design Competitions and Exhibitions)
- 2004 **National Design Competition: ID Magazine**  
Honorable Mention (see Design Competitions and Exhibitions)
- 2003 **Taiwan International Design Competition**  
Award of Excellence (see Design Competitions and Exhibitions)
- 2003 **International Eyewear Design Competition: Opus Design Award**  
Award Winner (see Design Competitions and Exhibitions) Japan
- 1999 **Malaysian Polytechnic Curriculum Development Project**  
Malaysia (see Grants)
- 1997 **Fulbright Scholar**  
Finland (see Fellowships and Residencies)
- 1995 **National Design Competition: Idea95 Industrial Designers Excellence Award**  
Silver Winner (see Design Competitions and Exhibitions)
- 1993 **Neste Forma Finlandia 3 International Plastic Design Competition**  
2<sup>nd</sup> Place (see Design Competitions and Exhibitions) Finland

## **Membership**

- 1992-Present **Industrial Designers Society of America (IDSA)**

## **Design Competitions and Exhibitions**

- 2013 **Invitational International Design Exhibition**  
4<sup>th</sup> International Innovation Design and Education Forum Exhibition  
Nanjing, China  
September 18-19  
*Exclamation Stacking Chair*  
  
Published in  
*Cross-Disciplinary and Integration: Portfolio of "Nanjing Innovation" International Universities' Design Exhibition. Pages 20-24*
- 2013 **Invitational International Design Exhibition**  
YODEX  
Taipei, Taiwan  
May 17-20  
*Exclamation Stacking Chair*
- 2013 **Juror**  
Appliance Design Excellence in Design Competition  
Troy, MI  
Jury:  
Steve Visser          Professor Purdue University  
Tucker Viemeister    President Viemeister Industries NYC  
Jerome Caruso          Creative Director Sub-Zero

2012 **Invitational Regional Exhibition**  
Chatham Home Interiors  
Indianapolis, IN  
September 7, 2012  
*Apple<sup>2</sup> Table Line*

2012 **Invitational International Exhibition**  
Groovy Stuff Booth  
International Casual Furniture and Accessories Market  
The Merchandise Mart  
Chicago, IL  
September 20-23, 2012  
*Apple<sup>2</sup> Pedestal Table*

2012 **Juror**  
Appliance Design Excellence in Design Competition  
Troy, MI  
June

2012 **Juror**  
Nanjing Innovation Design Competition  
Nanjing China  
August 13-14

2011 **Poster Session**  
**Mudd Design Workshop**  
**Clarmont CA**  
May 28-30  
*Design for Relieving: Home-based Healthcare Products*  
Cheryl Qian Primary Author  
Steve Visser Poster Layout and Co-Author

2009 **Invitational International Design Summit and Exhibition**  
Nanjing China  
October 25-26  
*StoneStalk Bench*

2009 **Juried National Exhibition**  
BECA Gallery "Next" exhibition  
New Orleans, LA  
February 5-28  
*Woodstalk Bench*

2007 **Invitational International Design Summit and Exhibition**  
Nanjing China  
November 7-8  
*Astro Lounge Chair*

2006 **Juried Exhibition at the Industrial Designers Society of America**  
**National Education Conference**  
**Austin TX**  
September 17-20  
*Astro Lounge Chair*

2005 **Indiana Venture Idol Competition**  
Venture Club of Indiana  
Indianapolis IN  
September 27  
Winner: Coolest Idea \$1000 (30 Finalists, 4 Winners)  
DesignNapkin Presentation  
Scott Shim and Steve Visser



- 2005 **Juried Exhibition at the Industrial Designers Society of America**  
National Education Conference  
Washington, D.C.  
August 21-23  
*Giwa: Build-it-yourself Souvenir*  
*BLU Network: Borrow Lend Unite*  
*Safety Stove: for South Africa*  
*Flip: Invertible Organizer*
- 2005 **PASASA International Safe Stove Competition**  
Selected for prototyping (85 entries/ 35 prototyped)  
Paraffin Safety Association South Africa  
Johannesburg, South Africa  
June 1  
Design Director: Steve Visser  
Design Team: Jim McGlothlin, Human Factors  
Scott Shim, Industrial Design  
Jeff Youngblood, Materials Engineer  
Dan Leard, Engineering  
Rick Paul, Sculpture  
Jeff Bazarko, Engineering Student  
Zach Mundy, Industrial Design Student  
*Safety Stove: for South Africa*
- 2005 **Invitational Exhibition**  
Ehwa Art Center  
Ehwa Women University  
Seoul, Korea  
April 15-19  
*BLU Network: Borrow Lend Unite*  
*Giwa: Build-it-yourself Souvenir*  
*Safety Stove: for South Africa*
- 2005 **International Travel Souvenir Design Competition**  
Selected Design (about 630 entries from 39 countries, 142 selected)  
Ministries of: Culture & Tourism, Commerce, Industry & Energy,  
Korean Association of Industrial Design, ICSID  
Kintex Exposition Center  
Gyeonggi, Korea  
April 14-17  
*Giwa: Build-it-yourself Souvenir*  
Published in  
*International Travel Souvenir Design Competition 2005 Korea*  
(Seoul Korea: Gyeonggi Tourism Organization), 41
- 2005 **Satelite Sallone International Invitational Design Exhibition**  
(Only two schools from the USA were invited to exhibit in the Satelite Sallone, Purdue University and Pratt Institute)  
Milan Furniture Fair  
Milan, Italy  
April 13-18  
*Giwa: Build-it-yourself Souvenir*  
*Safety Stove: for South Africa*
- 2004 **50th Annual International Design Competition: I.D. Magazine**  
Honorable Mention (over 2000 entries/ 159 selected)  
New York, NY  
July  
Design Team: Steve Visser and Scott Shim  
*BLU Network: Borrow Lend Unite*  
Published in  
I.D. Magazine 50th Annual Design Review  
Volume 52, number 5, (July 2004): 184

- 2004 **International Aluminum Extrusion Competition**  
 Selected for Exhibition (109 entries from 9 countries/ 36 selected)  
 ET Foundation  
 International Aluminum Extrusion Seminar and Exposition  
 Orlando, FL  
 May 18-21  
 Design Team: Scott Shim and Steve Visser  
*Birdie Aluminum Extrusion Concept*
- 2003 **International Eyewear Design Competition: Opus Design Award 2003**  
 Award Winner (1771 entries from 62 countries/ 313 winners)  
 Eyetec Co., Ltd.  
 Tokyo, Japan  
 December 1  
 Design Team: Steve Visser and Scott Shim  
*Shades Eyewear*
- 2003 **Taiwan International Design Competition: Creating a Digital Culture Design**  
 Award of Excellence (356 entries from 25 countries/ 20 selected)  
 Taiwan Design Center  
 Taiwan Industrial Development Bureau  
 Taipei, Taiwan  
 November 8-30  
 Design Team: Steve Visser and Scott Shim  
*BLU Network: Borrow Lend Unite*  
 Published in  
 Taiwan Design Center, *2003 Taiwan Creative Design Expo* (Taipei, Taiwan: Taiwan Industrial Development Bureau), 115.
- 2003 **Juried Exhibition at the Industrial Designers Society of America**  
 National Education Conference  
 Pratt Institute  
 New York, NY  
 August 11-12  
*Box Recycled Container*  
*Compliers® Fishing Pliers*  
*Forest Eyewear*  
*Civil Table*  
*Buffalo Mask*  
*Quantum Armchair*  
*Ateria Reliquary*  
*Stone Fruit Bowl*  
 Published in  
*Eastman National IDSA Education Conference Proceedings New York 2003* (Dulles, VA: Industrial Designers Society of America), 259
- 2002 **Invitational Exhibition at the Biennale Internationale Design 2002**  
 Museum of Modern Art, Saint-Étienne  
 Saint-Étienne, France  
 November 16-24  
*Civil Interactive Play Table*
- 2002 **Humanscale/WWF National Mask Design Competition**  
 Honorable Mention (51 designs entered)  
 Humanscale, Inc.  
 New York, NY  
 September 26  
*Buffalo Mask*

- 2001-2002 **29<sup>th</sup> Annual National Juried Toys Designed by Artists Exhibition**  
 Decorative Arts Museum  
 Arkansas Art Center  
 Little Rock, AR  
 November 22, 2001-January 6, 2002  
 Principle Designer: Steve Visser  
 Designer: Nicolé Visser  
*Herman the Dino*
- 2001-2002 **National Furniture Design Competition: The Chair Show 4**  
 Selected Design (234 entries, 45 selected)  
 Southern Highland Craft Guild  
 Asheville, NC  
*Quantum Armchair*  
 Traveling Exhibition: The Chair Show 4  
 Folk Art Center, Asheville, NC, September 30, 2001-January 13, 2002  
 L. Y. W. Art Museum Wausaw, WI, February 2-April 7  
 Wellington Gray Gallery Greenville, NC, June 6-September 21  
 Published in  
 David McFadden, *The Chair Show 4* (Asheville, NC: Southern Highland), 44.
- 2001 **Invitational Exhibition**  
 University of Lapland  
 Rovaniemi, Finland  
 August-November  
*Ateria Reliquary*  
*Yalpsid Fruit Bowl*
- 2001 **International Eyewear Design Competition: Opus Design Award 2001**  
 Award Winner (1639 entries from 30 countries/ 138 award winners)  
 (The only winner from the USA)  
 Eyetec Co., Ltd.  
 Tokyo, Japan  
 September 13-14  
*Egypt Eyewear*
- 2001 **Jan Ken Pon: Gifu World Design Competition**  
 The World Design Foundation  
 Gifu Prefecture  
 Gifu City, Japan  
 May 9-June 12  
*Stone Fruit Bowl*
- 2001 **Herman Miller Office-Supply Creation National Competition**  
 Honorable Mention  
 Herman Miller  
 www.Hermanmillerred.com  
 Zeeland, MI  
 Principle Designer: Steve Visser  
 Designer: Nicolé Visser  
*Herman the Dino*
- 2000 **Biennale Internationale Design 2000 Invitational Exhibition**  
 Museum of Modern Art, Saint-Étienne  
 Saint Étienne, France  
 October 7-15  
*Egypt Eyewear*  
*Demi Fruit Bowl*

2000 **2000 Objects for the New Millennium Juried Exhibition**  
Gallery 91  
New York, NY  
July-September  
*Forest Eyewear*

2000 **Mid-States Crafts Regional Juried Exhibition**  
Evansville, IN  
January-March  
*Forest Eyewear*

1998-1999 **Unlimited by Design National Invitational Exhibition**  
Cooper Hewitt National Design Museum (Smithsonian)  
New York, NY  
November 17, 1998-March 21, 1999  
Principal Designer: Steve Visser  
Engineer: Ashok Midha  
*Compliers® Flexural Fishing Pliers*

1997 **Mutant Materials in Contemporary Design International Invitational Exhibition**  
Groninger Museum  
Groninger, Netherlands  
September 13-December 7  
Principal Designer: Steve Visser  
Engineer: Ashok Midha  
*Compliers® Flexural Fishing Pliers*

1997 **Mutant Materials in Contemporary Design International Invitational Exhibition**  
Veletrzní Palác  
Prague, Czech Republic  
May 15-August 17  
Principal Designer: Steve Visser  
Engineer: Ashok Midha  
*Compliers® Flexural Fishing Pliers*

1996-1997 **Innovations for Living/Industrial Design Excellence Awards 1989-1995**  
National Invitational Exhibition  
Brook Steven's Gallery at Milwaukee Institute of Design  
Milwaukee, WI  
October 18, 1996-August 23, 1997  
Design Team: Kyle Bennett and Steve Visser  
*Kudo Crafters Clamp*

1995-1996 **National Design Competition: Good Design Award Exhibition**  
Selected Design (500 entries/ 120 selected)  
The Chicago Athenaeum: Museum of Architecture and Design  
Chicago, IL  
October 24, 1995-January 13, 1996  
Principal Designer: Steve Visser  
Design Team: Don Herring, Dan Julian and Don Woods  
*ExerTron™ Video Game Controller*

1995-1996 **National Design Competition: Good Design Award**  
Good Design Award (Nearly 500 entries/ 80 selected)  
The Chicago Athenaeum: Museum of Architecture and Design  
Chicago, IL  
October 24, 1995-January 13, 1996  
Principal Designer: Steve Visser  
Engineer: Ashok Midha  
*Compliers® Flexural Fishing Pliers*

- 1995 **Idea95: National Design Competition**  
Silver Winner for New Product Concepts (766 entries/ 56 selected)  
Industrial Designers Excellence Award  
IDSA National Conference  
Santa Fe, NM  
September 13-16  
Design Team: Kyle Bennett and Steve Visser  
*Kudo Crafters Clamp*  
Published in  
*Innovation: Journal of the Industrial Designers Society of America*, 14, no. 4, (Fall 1995): 207.  
Cited in  
*Business Week* (June 7, 1993): 102.
- 1995 **Mutant Materials in Contemporary Design International Invitational Exhibition**  
Museum of Modern Art  
New York, NY  
May 24-August 22  
Principal Designer: Steve Visser  
Design Team: Miro Tasic and Brian McGreevy  
Engineer: Ashok Midha  
*Compliant Fishing Pliers*  
Published in  
Paola Antonelli, *Mutant Materials in Contemporary Design Exhibition Bulletin* (New York: Museum of Modern Art), 6.
- 1995 **Permanent Collection**  
The Chicago Athenaeum: Museum of Architecture and Design  
Chicago, IL  
Principal Designer: Steve Visser  
Engineer: Ashok Midha  
*Compliers® Flexural Fishing Pliers*
- 1994 **94 Nagaoka International Design Competition**  
Selected Design (615 entries from 40 nations/ 57 selected)  
Shinanogawa Technopolis  
Nagaoka City, Japan  
October 21-23  
Design Team: Bennett Kyle and Visser Steve  
*Kudo Crafters Clamp*  
Published in  
*Interior Exterior International Design Competition 9* (Nagaoka, Japan: Shinanogawa Technopolis), 59
- 1994 **Permanent Collection**  
Museum Die Neue Sammlung (Invitational)  
Industrial Design Collection  
Munich, Germany  
Principal Designer: Steve Visser  
Design Team: Miro Tasic and Brian McGreevy  
Engineer: Ashok Midha  
*Compliant Fishing Pliers*
- 1993-1994 **The Fine Line Between Art and Design Invitational Exhibition**  
Tepasky Art Gallery  
Northwestern College  
Orange City, IA  
January 31, 1993-February 28, 1994  
Two-Person Exhibition
- 1993 **Crafts Regional Juried Exhibition**  
John A. Logan Museum and Art Gallery  
Carterville, IL  
November 19-December 31  
*Rossetti Kitchen Utensil*

- 1993 **Idea93: National Design Competition**  
Silver Winner, for New Product Concepts (678 entries/ 26 selected)  
Industrial Designers Excellence Award  
IDSA National Conference  
Atlanta, GA  
August 11-14  
Principal Designer: Steve Visser  
Designers: Miro Tasic and Brian McGreevy  
Engineer: Ashok Midha  
*Compliant Fishing Pliers*  
Published in  
*Innovation: Journal of the Industrial Designers Society of America* 12, no. 4 (Fall 1993): 125.  
Cited in  
*Business Week* (June 7, 1993): 78.
- 1993 **Neste Forma Finlandia: International Plastics Design Competition 3**  
Second Prize \$18,000 (576 entries from 36 countries/ 2<sup>nd</sup>)  
Neste Corporation  
Espoo, Finland  
Principal Designer: Steve Visser  
Design Team: Miro Tasic and Brian McGreevy  
Engineer: Ashok Midha  
*Compliant Fishing Pliers*
- Traveling Exhibition: Neste Forma Finlandia 3
- |          |  |                 |
|----------|--|-----------------|
| Finland  | Tapiola, Espoo                         | April 19-25     |
| Sweden   | Svenska Mässan in Gothenburg           | May 10-15       |
| France   | Parc de la Villette, Paris             | June 7-13       |
| Germany  | Rhein Ruhr Center, Mulheim-Ruhr        | June 21-27      |
| Belgium  | Zuiderdokken, Antwerp                  | September 20-26 |
| Italy    | Milan                                  | October 4-10    |
| Portugal | Espinho, near Oporto                   | October 20-26   |
| UK       | National Exhibition Center, Birmingham | November 7-11   |
- Published in  
David Vickery, *Neste Forma Finlandia International Plastic Design Competition 3* (Helsinki: Abbeygate), 12
- 1992 **Architectonics: Regional Juried Exhibition**  
Performing Arts Center  
Fort Wayne, IN  
October 22-November 20  
*Nurkka Corner Floor Lamp*
- 1984 **Solo Exhibition of Recent Sculptures**  
Concordia College  
Seward, NE
- Patents**
- 2002 **Support Structure for a Chair**  
Issued October 8  
Design Patent Number D463,925  
Inventor: Steve Visser
- 2001 **Rotary Assembly Table**  
Issued April 24  
Design Patent Number D440,786  
Inventors: Steve Visser, Sang-Gyeun Ahn, Laura Drake, Haolong Ma, and Seung-Jo Park

- 1997      **Resilient Clamp**  
 Issued May 6  
 Patent Number 5,625,931  
 Inventors: Steve Visser and Kyle Bennett
- 1997      **Video Game Controller**  
 Issued August 19  
 Design Patent Number D382,604  
 Inventor: Steve Visser
- 1996      **Compliant Pliers**  
 Issued June 4  
 Patent Number 5,522,290  
 Inventors: Ashok Midha and Steve Visser
- 1996      **Video Game Controller**  
 Issued November 12  
 Design Patent Number D375,531  
 Inventor: Steve Visser
- 1996      **Video Game Controller**  
 Issued October 29  
 Patent Number 5,568,928  
 Inventors: Bruce Munson and Steve Visser

### **Designs Reproduced in Publications**

- 2013      **Steve Visser, “Exclamation” Chair**  
 Published in  
 Cross-Disciplinary and Integration: Portfolio of “Nanjing Innovation” International Universities’  
 Design Exhibition  
 July 25, 2013 (Nanjing, China) 20-21
- 2009      **Steve Visser, “StoneStalk” pedestal**  
 Published in  
 Portfolio of '09 International Universities Design  
 09国际校际设计作品展组委会  
 南京理工大学设计艺术系 2009年9月10日 (Nanjing, China) 8-9
- 2008      **Steve Visser and Scott Shim, Timex Season and profile of Designapkin design firm**  
 Published in  
 Charlotte and Peter Fiell, *Design Now*  
 (London: Taschen Publishing) 118-123
- 2004      **Steve Visser and Scott Shim “BLU Network: Borrow Lend Unite”**  
 Published in  
*Design* (Taipei, Taiwan)  
 Vol.114 (December/January): 71
- 2002      **Steve Visser, “Quantum Armchair”**  
 Published in  
*American Style Magazine*  
 (Winter 2001-2002): 16
- 2001      **Steve Visser, “Ateria Reliquary”**  
 Published in  
 Luisa Collina and Giuliano Simonelli, eds.,  
*Designing Designers: Training Strategies for the Third Millennium*  
 (Milan, Italy: Politecnico di Milano), 73

- 1997 **Steve Visser and Kyle Bennett, “Kudo Crafters Clamp”**  
Published in  
George Covington and Bruce Hannah, *Access by Design*  
(New York: Van Nostrand Reinhold), 201
- 1996 **Steve Visser and Kyle Bennett, “Kudo Crafters Clamp”**  
Published in  
*Universal Design Excellence Project*  
(Takoma Park, MD: Universal Designers and Consultants, Inc. in cooperation with The National Endowment for the Arts and the National Building Museum) slides.
- 1996 **Steve Visser, and Ashok Midha, “Compliers™ Flexural Fishing Pliers”**  
Published in  
*Design Report* (Hamburg, Germany)  
(January/February 1996)
- 1995 **Steve Visser, and Ashok Midha, “Compliers™ Flexural Fishing Pliers”**  
Published in  
*Plastics*  
(May 1995): 7
- 1994 **Steve Visser, Miro Tasic, and Ashok Midha, “Compliant Fishing Pliers”**  
Published in  
Taka Sihvola, Mikko, *Design in Finland 1994*  
(Helsinki: The Finnish Foreign Trade Association), 60
- 1994 **Steve Visser, Miro Tasic, and Ashok Midha, “Compliant Fishing Pliers”**  
Published in  
*Innovation: Award-Winning Industrial Design*  
(Glen Cove, NY: PBC International, Inc.), 82
- 1993 **Steve Visser, Miro Tasic, and Ashok Midha, “Compliant Fishing Pliers”**  
Published in  
Paola Antonelli, *Mutant Materials in Contemporary Design*  
(New York: Museum of Modern Art and Rizzoli Press), 35
- 1993 **Steve Visser, Miro Tasic, and Ashok Midha, “Compliant Fishing Pliers”**  
Published in  
*Design* (London) 534 (June 1993): 8  
*Form Function Finlandia* (Helsinki) no. 2 (June 1993): 91  
*K Plastic & Kautscherl Zeikey* (Germany) (May 1993): 10  
*Plastverarbeiter* (Heidelberg, Germany) 44 no. 5 (1993): 73  
*Form* (Zurich, Germany) no. 143 (1993): 129  
*Design in Kunststoff* (Germany) no. 44 (1993): 72-74  
*Domus* (Milan, Italy) no. 752 (September 1993): 80-81  
*Kunstof Magazine* (Doetinchem, Netherlands) no. 5 (May 1993): 32  
*Machine Design* (July 9, 1993): 12

### **Industrial Design Activities**

- 2011-2014 **Mini Massage Tool, (product design in process)**  
Soft Tissue Therapy Tools Inc.  
Indianapolis, IN
- 2013 **Circle Chair, (furniture design and development)**  
DesigNapkin  
West Lafayette, IN
- 2012 **Exclamation Chair, (concept development)**  
DesigNapkin  
West Lafayette, IN



|           |   |
|-----------|---|
| 2011-12   | <b>Apple<sup>2</sup> table line, (furniture design and development)</b><br>DesigNapkin<br>West Lafayette, IN  |
| 2009-2010 | <b>Fuzion ST3, (product design and development)</b><br>Soft Tissue Therapy Tools Inc.<br>Indianapolis, IN   |
| 2007      | <b>Pendant Lighting Design, Origins 212 Collection (product design)</b><br>Omega Lighting<br>Tupelo, MS<br>Principal Design: Steve Visser and Scott Shim  |
| 2006-2007 | <b>Track Lighting Design (product design)</b><br>Omega Lighting<br>Tupelo, MS<br>Principal Design: Steve Visser and Scott Shim<br>Design Team: Milan Jovanovic,   |
| 2006-2007 | <b>Bike Seat Design (product design)</b><br>David Porter<br>Kansas City, MO<br>Principal Design: Scott Shim and Steve Visser  |
| 2006      | <b>Cell Phone Design (product design)</b><br>Samsung Electronics<br>Sacramento, CA<br>Principal Design: Scott Shim and Steve Visser   |
| 2006      | <b>MXR programmable light (product design)</b><br>Apollo Design Technology Inc.<br>Ft. Wayne, IN<br>Principal Design: Scott Shim and Steve Visser   |
| 2005-2006 | <b>Portable Electronics (product design)</b><br>Klipsch Audio Corp.<br>Indianapolis, IN<br>Principal Design: Steve Visser and Scott Shim<br>Design Team: Nick Poteracki, Milan Jovanovic, Faraz Shah and Scott Collins          |
| 2005-2006 | <b>Wardrobe Valet (product design)</b><br>Proman Products LLC.<br>Loves Park, IL<br>Principal Design: Scott Shim and Steve Visser   |
| 2005      | <b>Identity Mouth Guard (product design)</b><br>Reliance Inc.<br>Taipei, Taiwan<br>Principal Designers: Scott Shim and Steve Visser<br>Design Team: Nick Poteracki, Colt Stander, Bria Helgerson, Jason Boyer, and Brian Beaver |
| 2005      | <b>USB Drive (concept design)</b><br>Filadex Inc.<br>West Lafayette, IN   |
| 2004-2005 | <b>Contact Lens Travel Case (product design)</b><br>Reliance, Inc.<br>Taipei, Taiwan  |

2004      **Sanitary Toilet Care System (product design)**  
 Dr. Seok-Jin Kim  
 Indianapolis, IN  
 Principal Designer: Steve Visser  
 Design Team: Milan Jovanovic and Alex Cantoni

2001      **Civil Interactive Play Table (furniture design)**  
 Imagination Station  
 West Lafayette, IN

2001      **Knock-Down Stool (concept development)**  
 Matt Striebel  
 Bloomington, IN  
 Principal Designer: Steve Visser  
 Design Team: Laura Drake and Kyungsook Song

2001      **Interactive Trolley Exhibit (exhibit design)**  
 Imagination Station/City bus  
 West Lafayette, IN  
 Principal Designer: Steve Visser  
 Design Team: Nathaniel Grady, Michael Lah and Kiley Reed

2001      **Quantum Armchair (furniture design)**  
 Patent assigned to Purdue Research Foundation  
 West Lafayette, IN

1999-2000      **Fiber Optic Cross (design/ build commission)**  
 St. Thomas Aquinas Church  
 West Lafayette, IN

1999      **Wooden Decorative Products (product design)**  
 Reliance, Inc.  
 Taipei, Taiwan  
 Principal Designer: Steve Visser  
 Design Team: Braden Smith and Haolong Ma

1999      **Self-Watering Flowerpots (concept design)**  
 Reliance, Inc.  
 Taipei, Taiwan

1998      **Faucet Design (product design)**  
 Delta Faucet  
 Indianapolis, IN  
 Principal Designer: Judd Lord  
 Design Team: Steve Visser and Loren Hill

1995-1996      **Portable Bassinet (product design)**  
 Redmon, Inc.  
 Peru, IN  
 Principal Designer: Steve Visser  
 Design Team: Don Herring, Don Woods and Dan Julian

1993-1995      **Compliers® Flexural Fishing Pliers (product design)**  
 Compliers, Inc.  
 West Lafayette, IN  
 Principal Designer: Steve Visser  
 Engineer: Ashok Midha

|           |   |
|-----------|---|
| 1994      | <b>Stenfors Temperature Control System (product design)</b><br>Stenfors OY<br>Oulu, Finland<br>Principal Designer: Steve Visser<br>Design Team: Kyle Bennett and Don Woods        |
| 1994      | <b>Computer Interface Device (product graphics)</b><br>Inter-serve, Inc.<br>Rockfort, IL  |
| 1994-1995 | <b>ExerTron™ Video Game Controller (product design)</b><br>ExerTron, Inc.<br>Muncie, IN<br>Principal Designer: Steve Visser<br>Design Team: Don Herring and Scott Jost            |
| 1994      | <b>Tele-Talker™ (product design)</b><br>Amuze Technologies<br>Indianapolis, IN<br>Principal Designer: Steve Visser<br>Design Assistant: Braden Smith                              |
| 1994      | <b>Kudo Crafters Clamp (product design)</b><br>Fiskars, Inc.<br>Madison, WI<br>Design Team: Kyle Bennett and Steve Visser   |
| 1993      | <b>Mini Printer (concept design)</b><br>Quixale America, Inc.<br>NPC Limited<br>Taipei, Taiwan<br>Principal Designer: Chao-Hsi Wu<br>Design Team: Steve Visser and Brian McGreevy |
| 1993      | <b>ZARD printer sharing system (concept design)</b><br>Power Print Systems<br>Rossville, IN<br>Principal Designer: Steve Visser<br>Design Team: David Winn and Brian McGreevy     |
| 1992      | <b>Trim Line Vending Machine (concept design)</b><br>Standard Changemakers, Inc.<br>Indianapolis, IN  |
| 1992      | <b>Display Case (furniture design commission)</b><br>Elastic Mechanism Lab<br>Mechanical Engineering Building<br>Purdue University  |
| 1992      | <b>River Valley Evangelical Free Church (logo design)</b><br>West Lafayette, IN   |
| 1991      | <b>Tricorder Radio Frequency Meter (product design)</b><br>Trilithic, Inc.<br>Indianapolis, IN<br>Principal Designer: Steve Visser<br>Design Assistant: Braden Smith              |

1991 **Water Soluble Packaging System** (concept development)  
Great Lakes Chemical  
West Lafayette, IN  
Principal Designer: Steve Visser  
Design Assistant: Richard Johnson

1991 **ECG Analyzer** (product graphics)  
Vetronics, Inc.  
Lafayette, IN

1990 **KG Software** (logo design)  
Micro Data Base Systems, Inc.  
Lafayette, IN

1989 **Ansco Vision AL 35mm camera** (product design)  
Haking, Inc.  
Hong Kong  
Principal Designer: Hari Matsuda  
Design Assistant: Steve Visser

1989 **Whistler 750 radar detector** (product design)  
Whistler, Inc.  
Westford, MA  
Principal Designer: Hari Matsuda  
Design Assistant: Steve Visser

1989 **Shure Beta 58 wireless microphone** (design detailing)  
Shure Brothers, Inc.  
Chicago, IL

1989 **Whistler 2se radar detector** (product graphics)  
Whistler, Inc.  
Westford, MA

1989 **Point of purchase poster** (graphic design)  
Ansco, Inc.  
Glen View, IL

1989 **Coulter blood analyzer** (product design)  
Coulter, Inc.  
Miami, FL  
Principal Designer: Robert Coons  
Design Assistant: Steve Visser

1989 **Ansco Vision Gift Pack** (package design)  
Ansco, Inc.  
Glen View, IL  
Principal Designer: Hari Matsuda  
Design Team: Peter Langmar and Steve Visser

1988 **Top Flight Video Game Clam Pack** (package design)  
Konomi, Inc.  
Chicago, IL  
Principal Designer: Hari Matsuda  
Design Assistant: Steve Visser

## **Expert Witnessing**

- 2014      **Cablz vs. Chums (expert witness, utility patent)**  
Stoel Rives LLP  
Salt Lake UT
- Completed deposition as expert, Dallas, TX, August 15, 2014
  - Prepared declaration on invalidity, August 1, 2014
  - Prepared rebuttal report on invalidity, August 1, 2014
  - Prepared report on invalidity, May 26, 2014
- 2013-2014      **PNY vs. Phison Electronics (expert witness, utility patent)**  
Fish and Richardson PC  
Dallas TX
- Completed deposition as expert, Dallas, TX, July 23, 2014
  - Prepared declaration on invalidity, March 7, 2014
- 2013-2014      **M-Edge vs. Amazon (expert witness, utility patent)**  
Alston and Bird LLP  
Washington DC
- Completed deposition as expert, Chicago, IL, April 10, 2014
  - Prepared report on non-infringement, March 7, 2014
  - Prepared report on invalidity, January 30, 2014
- 2012-2013      **MSA vs. Nifty Home Products (expert witness, design patent)**  
Gibson & Demier LLP  
Woodbridge, NJ
- Completed deposition as expert, Woodbridge, NJ, May 8, 2013
  - Prepared report on infringement, March 15, 2013
- 2012-2013      **Frito-Lay vs. Medallion Foods, Inc. (expert witness, trademark)**  
Baker Botts LLP  
Dallas, TX
- Testified at trial, Sherman TX, February 15, 2013
  - Completed deposition as expert, Dallas, TX, November 20, 2012
  - Prepared report on trademark, October 8, 2012
- 2012-2013      **Nordock Inc. vs. Systems Inc. (expert witness, design patent)**  
Sokol Law Office  
Milwaukee, WI
- Testified at jury trial, Milwaukee, WI, March 19 & 25, 2013
  - Testified in claim construction hearing, Milwaukee, WI, January 30, 2013
  - Gave declaration in summary judgment motion, November 5, 2012
  - Prepared rebuttal report, July 20, 2012
  - Prepared report on infringement/validity, June 20, 2012
- 2012      **Sofpool LLC vs. Kmart and Big Lots (expert witness, design patent)**  
Troutman Sanders LLP  
Irvine, CA
- Gave declaration in summary judgment motion, October 29, 2012
  - Gave declaration in claim construction hearing, June 18, 2012
  - Prepared report on infringement, March 2, 2012
  - Prepared report on validity, February 10, 2012

- 2010-2011 **Spellbound vs. Pacific Handy Cutter/Stanley Black & Decker** (expert witness, utility patents)  
Miller Canfield  
Chicago, IL
- Prepared rebuttal second supplemental report, September-October, 2011
  - Gave declaration on statement of facts, September 26, 2011
  - Gave declaration in support of summary judgment, August 5, 2011
  - Prepared second supplemental report, July-August, 2011
  - Gave declaration in support of summary judgment, February 7, 2011
  - Prepared rebuttal expert report, January-February, 2011
  - Prepared expert report, October-December, 2010
  - Gave declaration on infringement and validity, December 17, 2010
  - Prepared supplemental expert report, December, 2010
- 2010-2011 **Microsoft vs. Datel Inc. (expert witness, design patents)**  
Howard, Rice, Nemerovski, Canady, Falk & Rabkin PC  
San Francisco, CA
- Completed deposition as expert, June 8, 2011
  - Prepared rebuttal report, May, 2011
  - Prepared expert report, March-April, 2011
  - Worked on ITC expert report, June-August 2010
- 2010 **Magnadyne vs. Best Buy/EverWin (expert witness, design patent)**  
Troutman Sanders LLP  
Irvine, CA
- Prepared expert report and declaration, March-April, 2010
  - Prepared supplemental expert report, May, 2010
  - Completed deposition as expert, Detroit MI, June 3, 2010
- 2009 **Plastipak (expert witness, design patent)**  
Dykema Gossett LLP  
Chicago, IL
- Provided opinion on patent infringement, September, 2009
- 2008 **Trover Group, Inc. vs. Diebold (expert witness, design patent)**  
Thompson & Knight, LLP  
Dallas, TX
- Prepared preliminary reports on invalidity and non-infringement, September–November, 2008
- 2008 **Hanamint Corp. vs. Home Casual (expert witness, design patent)**  
Fabyanske, Westra, Hart & Thomson, P.A.  
Minneapolis, MN
- Completed deposition on expert report, July 10, 2008
  - Prepared expert report on invalidity, January-April, 2008
- 2007-2008 **Sofpool LLC vs. Intex Recreational Corp. (expert witness, design patents)**  
Baker & Daniels LLP  
Indianapolis, IN
- Testified in jury trial as a design expert, Marshall Texas, April 15, 2008
  - Prepared expert report on non-infringement February-March, 2008
  - Gave declaration for markman hearing February 19, 2008
  - Prepared expert report on invalidity July-February, 2008
- 2006-2007 **Calphalon vs. Meyer (expert witness, design patent)**  
Dykema Gossett LLP  
Chicago, IL
- Testified in jury trial as a design expert, June 12, 2007
  - Completed deposition on expert report, Chicago IL, May 9, 2006
  - Prepared expert report for Meyer Inc. in a design patent dispute, April, 2006

- 2006 **Zuna Corporation vs. Atico, Walgreen & Target (expert witness, utility patent)**  
Wiley Rein & Fielding LLP  
Washington D.C.
- Reviewed patents, claim construction and manufactured products in view of a utility patent owned by Zuna Corporation, February-March
- 2005-2006 **Fisher-Price vs. Evenflo (expert witness, utility patent)**  
Milbank, Tweed, Hadley & McCloy LLP  
Washington D.C.
- Testified in preliminary injunction hearing as an design expert, May 24, 2006
  - Completed deposition on the expert report, Buffalo, NY, December 22, 2005
  - Prepared expert report on two product that Evenflo produces and a patent that Fisher-Price owns, August-November 2005
- 2005 **Fabio Perini S.p.A. vs. Chan Li Machinery Co. Ltd. (expert witness, utility patent)**  
Baker & McKenzie LLP  
Washington, D.C.
- Worked as non-testifying expert in an International Trade Regulation & Customs case involving an Italian manufacturer and a Taiwanese Manufacturer. October-December
  - Created visual images to help explain the issues involved in the case.
  - Created claim charts for US patents 5,979,818 and Re 35,729
- 2003-2004 **Fisher-Price vs. Graco (expert witness, utility patent)**  
Milbank, Tweed, Hadley & McCloy LLP  
Washington D.C.
- Assisted in preparation for Markman hearing, Philadelphia, PA, March, 2004
  - Testified in Preliminary Injunction hearing, Philadelphia, PA, November, 2003
  - Prepared a preliminary report for a lawsuit between Fisher-Price and Graco, Inc. concerning a product that Graco, Inc. produces and patent 6,520,862 that Fisher-Price owns, July-September, 2003
- 2001-2003 **Fisher-Price vs. Safety I<sup>st</sup> (expert witness, utility and design patents)**  
Milbank, Tweed, Hadley & McCloy LLP  
Washington D.C.
- Testified in a trial concerning seven products and on four patents in dispute, Wilmington, DE, January 14-15, 2003
  - Assisted with patent reply brief for Summary Judgment
  - Prepared PowerPoint presentations for trial, November-December, 2002
  - Prepared exhibits for trial, May, 2002
  - Reviewed court's claim construction, April, 2002
  - Gave declaration for court on claim construction, Wilmington, DE, March, 2002
  - Prepared expert report on five products that Safety I<sup>st</sup> produces and five patents that Fisher-Price owns, January, 2002
  - Reviewed prior art and claim construction, October, 2001
- 2001 **Stein Industries vs. Display Specialties (expert witness, patent)**  
Fish & Richardson P.C.  
Minneapolis, MN
- Reviewed patent history and depositions in the case, July-August, 2001
- 2001 **The Kong Company vs. Mann Design (expert witness, utility patent)**  
Fish & Richardson P.C.  
Minneapolis, MN
- Gave opinions on definition of claim language in patent 6,129,053 and visual comparisons with design patent 388,559, March, 2001
- 2000 **3-M vs. Cabot (expert witness, utility and design patents)**  
Fish & Richardson P.C.  
Minneapolis, MN
- Prepared expert report, February-March, 2000
  - Prepared declaration, April, 2000
  - Completed deposition, Indianapolis, IN, September, 2000

## **International Fellowships and Residencies**

- 2014 **Designer in Residence**  
Served as a designer in residency at the Association of Craft Producers in Nepal. The project was focused on designing crafts for fair trade industry  
Kathmandu, Nepal  
September 1-October 22
- 2014 **Associate Fellow**  
Selected for four-week residency at the American Academy in Rome. The project was focused on industrial design inspiration from 1<sup>st</sup> Century Rome.  
Rome, Italy  
April 28-May 24
- 2013 **International Workshop**  
Organized and team-taught 48 students during an intensive 48-hour design challenge with student in China.  
Nanjing, China  
September 20-22
- 2002 **Study Abroad Program**  
Taught British Style course at Oxford University.  
Oxford, UK  
June 30-August 4
- 2000 **International Faculty Exchange**  
Taught at the University of Lapland for six weeks; included a Product Design course for international students from several countries within Europe, and an Advanced Research and Design course with group of Finnish students, designing a robot for domestic yard work.  
Rovaniemi, Finland  
April 1-May 15
- 1996-1997 **Fulbright Scholar**  
Won a scholarship to teach and research at the University of Art and Design Helsinki. Teaching included courses in Industrial Design, Materials and Processes and Compliant Mechanisms. Research focused on creative endeavors with computer aided industrial design.  
Helsinki, Finland  
August 1996-August 1997

## **Lectures**

- 2013 **Keynote Lecture at the 4<sup>th</sup> International Innovation Design Education Forum**  
Perceiving Design: Design Perceived  
Nanjing, China  
September 19
- 2013 **Breaking the Rules of Visual Perception**  
Steve Visser and Cheryl Qian  
IDSA National Education Symposium  
Chicago, IL  
August 21  
Published online:  
[www.idsa.org/sites/default/files/Visser\\_Paper\\_Breaking\\_the\\_rules\\_of\\_Visual\\_Perception.pdf](http://www.idsa.org/sites/default/files/Visser_Paper_Breaking_the_rules_of_Visual_Perception.pdf)
- 2013 **Beyond the Computer Screen: Applying Information Visualization in Product Design**  
Cheryl Qian, Steve Visser and Victor Chen  
IDSA National Education Symposium  
Chicago, IL  
August 21  
Published online:  
[www.idsa.org/sites/default/files/Qian-Paper\\_BeyondTheComputerScreen.pdf](http://www.idsa.org/sites/default/files/Qian-Paper_BeyondTheComputerScreen.pdf)



- 2012 **What You Can Get From 48 Hours: The Future of Design Leadership**  
Steve Visser, Cheryl Qian, and Victor Chen  
IDSA National Education Symposium  
Boston, MA  
August 15  
Published online:  
<http://www.idsa.org/what-you-can-get-48-hours-future-design-leadership>
- 2011 **A Collaborative Effort: Integrating Interaction Design Evaluation into Product Design Process**  
Cheryl Qian, and Steve Visser  
Eastman IDSA National Education Conference  
New Orleans, LA  
September 14  
Published online:  
[www.idsa.org/sites/default/files/ACollaborativeEffortIXDEvaluation.pdf](http://www.idsa.org/sites/default/files/ACollaborativeEffortIXDEvaluation.pdf)
- 2011 **Keynote lecture at the International Innovation Design & Education Forum**  
Integrating Interaction Design and Industrial Design  
Nanjing, China  
August 15
- 2011 **Integrating User Experience Research into Industrial Design**  
Education: Interaction Design Program at Purdue  
Cheryl Qian, Steve Visser and Victor Chen  
National Collegiate Inventors and Innovators Alliance Conference  
Washington DC  
March 25  
Published online:  
<http://nciia.org/sites/default/files/u7/Qian.pdf>
- 2010 **Interaction Design at Purdue University**  
Cheryl Qian, and Steve Visser  
Eastman IDSA National Education Conference  
Portland, OR  
August 5
- 2010 **The Interactive Face of Design**  
Cheryl Qian, Petronio Bendito and Steve Visser  
Faces of Design, IDSA Mideast Conference  
Grand Rapids, MI  
May 1
- 2009 **Panelist: Industrial Design Education**  
Midwest District Conference IDSA  
Minneapolis, MN  
April 4
- 2007 **Keynote lecture at the ICHEM Conference**  
How to Effectively Incorporate Corporate Sponsored Projects and Design Competition into Design Curriculum  
Wuxi, China  
November 6
- 2007 **Keynote lecture at International Nanjing Forum of Industrial Design Education**  
How to Effectively Incorporate Corporate Sponsored Projects and Design Competition into Design Curriculum  
Nanjing, China  
November 8

2006 **Workshop co-leader with Jim O’Grady from Calgary Canada**  
National Collegiate Inventors and Innovators Alliance conference  
Portland, OR  
March 23

2005 **Panel Leader: Design Competitions and Tenure**  
Eastman IDSA National Education Conference  
Washington D.C.  
August 22

2005 **Entrepreneurship in Industrial Design: a Case Study**  
Kookmin University  
Seoul, Korea  
April 19

2005 **Entrepreneurship in Industrial Design Lecture and Workshop**  
Seoul National University  
Seoul, Korea  
April 18

2004 **Panelist: Industry Sponsored Student Research Models**  
Eastman IDSA National Education Conference  
Art Center  
Pasadena, CA  
October 24-26

2003 **Strategies: Corporate vs. Entrepreneurial Design**  
Notre Dame University  
Notre Dame, IN  
November 4

2001 **Entrepreneurship/Corporate Sponsorship: Purdue’s Two-Sided Gold Coin**  
International Convention of University Courses in Industrial Design:  
Milan International Furniture Fair  
Milan, Italy  
April 7-8  
Published in:  
Designing Designers. Training Strategies for the Third Millennium  
p. 69-74

2001 **Seminar on Entrepreneurial Design**  
IDSA Midwest District Conference: Designing the Experience  
Chicago, IL  
March 23

2001 **Entrepreneurship/Corporate Sponsorship: Purdue's Two-Sided Gold Coin**  
Published in:  
IDSA Design Education Proceedings  
p. 405-412

2000 **Design in the USA**  
University of Lapland  
Rovaniemi, Finland  
April 18

1999 **Finding Opportunities**  
Seminar: Designing In the New Millennium  
Politeknik Johor Bahru  
Pasir Gudang, Malaysia  
July 24

- 1999 **Brainstorming Workshop**  
IDSA Midwest District Conference: The Creative Culture  
Madison, WI  
April 9
- 1998 **Compliance: Utilizing Plastic's Flexible and Rigid Characteristics.**  
In IDSA Design Education Proceedings: Why Design?  
Long Beach, CA  
September 22-24, CD ROM
- 1997 **Entrepreneurial Design Center: Blurring the Boundaries between Design Education, Business and Manufacturing**  
Co-Authored: Steve Visser and Tom Gatis  
Published in:  
IDSA Design Education Proceedings  
Washington, D.C.  
June 23-25, CD ROM
- 1997 **Compliant Mechanism Workshop**  
Two-week workshop for 20 students at The University of Lapland  
Rovaniemi, Finland  
April 28-May 7
- 1997 **American Design & Compliers® Design Process**  
To 40 students at the University of Lapland  
Rovaniemi, Finland  
May 6
- 1997 **East Meets West: The Design Cultures of Asia and America**  
Joint lecture with Professor Lee of Korea  
Approximately 150 students and faculty attended  
University of Art and Design  
Helsinki, Finland  
January 15
- 1996 **Machine Age Design in America**  
To Industrial Design Freshmen  
University of Art and Design Helsinki  
Helsinki, Finland  
December 12
- 1996 **An Introduction to Industrial Design**  
To 40 students at the Tampere Polytechnic  
Tampere, Finland  
November 5
- 1996 **Venturing In Industrial Design**  
American Voices conference  
Turku, Finland  
October 10
- 1996 **Venturing Organizations, a Case Study**  
To 70 Industrial Design/Business Management students  
University of Art and Design Helsinki  
Helsinki, Finland  
September 12
- 1996 **The Design Process for Compliers®**  
To Industrial Design Freshmen  
University of Art and Design Helsinki  
Helsinki, Finland  
December 5

- 1995 **Entrepreneurs: A Natural Resource in Short Supply and Educating**  
Design Students in the Art of Venturing.  
IDSA Design Education Conference  
Santa Fe, NM  
September 13-16
- 1994 **Inventionalism: Designers Reject Expressionistic Pleasures of the 80's and Replace Them with an Adoration for Innovation**  
Co-Authored; Steve Visser and John Peasley  
Dearborn, MI  
August 16-18  
Published in:  
IDSA Design Education Conference Proceedings: Design Futures  
p. 133-139
- 1994 **Compliant Mechanisms: Materials and Processes**  
Lecture and mini workshop  
University of Michigan  
Ann Arbor, MI  
March 8
- 1993 **Drawing Workshop**  
Taught a three-day workshop on design drawing techniques to twelve students from Helsingin Taideteollainen Korkeakoulu (University of Art and Design Helsinki)  
Helsinki, Finland  
April 20-22
- 1993 **Plastic Design**  
Helsingin Taideteollainen Korkeakoulu (University of Art and Design Helsinki)  
Helsinki, Finland  
April 22
- 1993 **Parallel Design at Purdue: Mechanical Engineering and Industrial Design Team-Up.**  
Co-Authored; Steve Visser and Ashok Midha  
Georgia Institute of Technology  
Atlanta, GA  
August 10-12  
Published in:  
IDSA Design Education Conference Proceedings  
p. 245-249
- 1991 **Industrial Design Process and Education**  
Rovaniemi Institute of Industrial Arts and Handicrafts  
Rovaniemi, Finland  
December 18
- 1991 **Industrial Design Process and Education**  
Helsingin Taideteollainen Korkeakoulu (University of Art and Design Helsinki)  
Helsinki, Finland  
December 17
- 1991 **What is Industrial Design?**  
Lecture including a three-screen multi-media presentation developed by students in A&D 355  
Presentation Techniques  
Purdue University  
October 29

1991 **Presentation Graphics in Industrial Design**  
National Computer Graphic Association Conference  
Co-Presenters: Lind Babcock, David Sigman, and Steve Visser  
Chicago, IL  
April 24

1990 **Art Education vs. Design Education**  
University of California  
San Bernardino, CA  
April 10

2013 **Major Professor Masters in Industrial Design**  
Zoey Feng and Robert Sibley

2011 Di Wu

2010 Xi Chen, Sara Rockwell and Larry Fenske

2009 Hao Hua

2008 Aaron Scott

2006 Oho Son (co-chair), Kee Yoo and Milan Jovanovic

2004 Kate Hoffman, Brooke Davis, Jon Bricker, Shivangi Narke  
and Andrea Granadas

2002 Kyungsook Song, Yurong Wang and Xijin Lai

2001 Braden Smith

2000 Yi Hong, Haolong Ma, Jason Tennenhouse and Sang-Gyeun Ahn

1999 Laura Johnson Drake

### **Grants/Corporate Sponsorship**

2014 **Kimberly Clark Professional**  
Organized student design project working with major safety manufacturer to explore concepts focused on the clean-room gowns.  
Atlanta, GA  
\$48,000

2014 **Hasbro Inc.**  
Student design project working with major toy manufacturer to explore toy concepts focused on the Play-Doh.  
Providence, RI  
\$8,000

2013 **GE Appliance**  
Organized graduate student design project working with major appliance manufacturer to explore concepts focused on the laundry.  
Louisville, KY  
\$8,000

2013 **National Furniture**  
Arranged corporate sponsored project exploring office stool designs for the Junior Industrial Design Students. Worked with Glen Fuller who taught the A&D 305 class.  
Jasper, IN  
\$12,500 (\$8000 cash and \$4500 in prizes and one summer internship)

2013 **HON Furniture**  
Arranged 48-2-Design workshop for 96 industrial design students. The project was to design furniture for the office storage accessories.  
Muscatine, IA  
\$22,716 (Gift in kind 34 Volt drafting stools and 16 Nucleus chairs)

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|------|---|
| 2013 | <b>Hasbro Inc.</b><br>Student design project working with major toy manufacturer to explore toy concepts focused on the preschool children.<br>Providence, RI<br>\$8,000  |
| 2012 | <b>Caterpillar</b><br>Arranged Corporate sponsored project for senior industrial design students. The project was to explore how Caterpillar could expand its brand.<br>Peoria, IL<br>\$12,000  |
| 2012 | <b>Weber Grill</b><br>Arranged 48-2-Design workshop for 50 industrial design students. The project was to design furniture for the future of education.<br>Chicago, IL<br>\$8,000 (\$6000 cash and \$2000 in prizes)  |
| 2011 | <b>National Furniture</b><br>Arranged corporate sponsored project exploring occasional table designs for the Junior Industrial Design Students. Worked with Victor Chen who taught the A&D 305 class. Three of the students were hired to bring their designs to production. The production designs were introduced at Neocon 2012.<br>Jasper, IN<br>\$14,000 (\$8000 cash and \$6000 in internships) |
| 2010 | <b>GE Healthcare</b><br>Arranged multiple course project exploring home monitoring of patients with: multiple sclerosis, cerebral palsy, arthritis, and Parkinson's.<br>Milwaukee, WI<br>\$16,000   |
| 2010 | <b>The Hon Company</b><br>Arranged 48-2-Design workshop for 50 industrial design students. The project was to design furniture for the future of education.<br>Muscatine, IA<br>\$15,000  |
| 2010 | <b>Hasbro Inc.</b><br>Student design project working with major toy manufacturer to explore toy concepts focused on the Stretch Armstrong movie.<br>Providence, RI<br>\$8,000   |
| 2009 | <b>DePuy Inc. a Johnson &amp; Johnson Company</b><br>Arranged sponsored project with DePuy Inc. for the juniors. This project focused on designing for the Paralympics.<br>Warsaw, IN<br>\$5,000  |
| 2009 | <b>MCS Frames</b><br>Arranged sponsored project focusing on future frame trends.<br>Chicago, IL<br>\$5,000  |
| 2008 | <b>Whirlpool interaction Design</b><br>Grant to develop new interaction design area within industrial design at Purdue University.<br>Benton Harbor, MI<br>\$200,000  |
| 2007 | <b>Rolodex (Newell Rubbermaid)</b><br>Students design project sponsored by office-supply manufacturer, researched millennia's organizational needs and helped identify new market opportunities for the company. Chicago, IL<br>\$12,000  |

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| 2007 | <b>Radio Flyer</b><br>Student design project sponsored by toy manufacture, students created future concept for ride on toys.<br>Chicago, IL<br>\$5000   |
| 2005 | <b>College of Liberal Arts International Travel Award</b><br>\$1400   |
| 2005 | <b>College of Liberal Arts Research Grant</b><br>\$900  |
| 2004 | <b>Whirlpool Corp.</b><br>Student design project exploring new concepts for refrigeration storage, this innovative intensive project spanned two weekends and included 32 students creating 256 concepts within 48 hours.<br>Benton Harbor, MI<br>\$6000  |
| 2001 | <b>Hill-Rom</b><br>Packadern project: design project sponsored by a major manufacturer of hospital beds and equipment. The project was to design a safer and more efficient method of transporting equipment and patients in the hospital environment.<br>Batesville, IN<br>\$16,000  |
| 2001 | <b>Campbell Hausfeld</b><br>Power paint equipment research and design project.<br>Student project to explore what women want in power paint equipment.<br>Nashville, TN<br>\$5000   |
| 2000 | <b>International Programs Global Initiative</b><br>Initiated an exchange program with the University of Lapland and<br>Purdue University<br>\$2500  |
| 1999 | <b>Doc. Martens Shoes</b><br>Corporate sponsored project for the junior level Industrial Design students. The project included a five-day trip to New York provided by Doc. Martens for all participating students and faculty. The students also had a chance to work with professional designers, marketers, and executives from Doc. Martens.<br>New York, NY<br>\$8000  |
| 1999 | <b>Malaysian Polytechnic Curriculum Development Project Phase II</b><br>One of 16 professors that consulted for the Malaysian Ministry of Education. Assisted with the development and implementation of a new industrial design curriculum at Politeknik Johor Bahru, Pasir Gudang, Malaysia. The grant included support for one month in the USA and one month in Malaysia. Funding was provided through the World Bank.<br>\$1,447,628 |
| 1999 | <b>Samsung Corporation</b><br>Campus liaison for the Prometheus Design Competition<br>Seoul, Korea<br>\$2000  |
| 1995 | <b>Purdue Research Foundation</b><br>Summer Faculty Grant<br>Computer Design of Complex Compliant Mechanisms<br>\$5000  |
| 1995 | <b>Alias Design Software</b><br>Varsity Program Grant<br>\$90,000   |
| 1994 | <b>IBM RS/6000 workstation computer</b><br>Purdue Shared Research grant program from IBM<br>\$35,000  |

## **APPENDIX B**

### **INFORMATION REVIEWED**

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| 1001 | U.S. Patent No. 8,366,268 to Williams  |
| 1002 | Bill Monroe, <i>Outdoor folks don't use trendy glasses-holders</i> , The Oregonian, July 4, 1991, at E4  |
| 1003 | U.S. Patent No. 6,941,619 to Mackay et al.   |
| 1004 | U.S. Patent Application Publication No. 2007/0046889 to Miller et al.  |
| 1005 | Merriam-Webster's Collegiate Dictionary, cover pages, 996 (retainer) (10th ed. 2002)   |
| 1007 | Merriam-Webster's Collegiate Dictionary, cover pages, 244 (connected) (10th ed. 2002)  |
| 1010 | Webster's Ninth New Collegiate Dictionary, cover pages, 768 (monofilament) (1989)  |
| 1011 | Merriam-Webster's Collegiate Dictionary, cover pages, 751 (monofilament) (10th ed. 2002)   |
| 1012 | Merriam-Webster, <a href="http://www.merriam-webster.com/dictionary/monofilament">http://www.merriam-webster.com/dictionary/monofilament</a> (monofilament) (last visited July 23, 2014) |
| 1013 | Prosecution History of U.S. Patent Application No. 12/991,668 (which issued as U.S. Patent No. 8,366,268)  |
| 1014 | U.S. Patent No. 1,819,738 to Daniels   |
| 1015 | U.S. Patent No. 2,704,961 to Weil  |
| 1016 | U.S. Patent No. 5,181,052 to McClellan   |
| 1017 | U.S. Patent No. 6,644,808 to Liu   |