

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARKEMA FRANCE,
Petitioner

v.

HONEYWELL INTERNATIONAL INC.
Patent Owner

Case IPR2015-00916
U.S. Patent No. 8,710,282

DECLARATION OF BRUCE BRADFORD, ESQ.

Pursuant to 28 U.S.C. § 1746, I, Bruce Bradford, state of my personal knowledge as follows:

1. I make this declaration to attest to facts relating to the Patent Committee Review of the invention claimed in U.S. Patent No. 8,710,282 (“the ’282 patent”), which claims the benefit of U.S. Provisional Patent Application No. 61/392,242 filed on October 12, 2010. The ’282 patent also is a continuation-in-part of U.S. Pat. No. 8,242,316, filed Aug. 1, 2011, which also is a continuation of U.S. Pat. No. 8,013,194, filed Mar. 11, 2009, which in turn claims priority benefit of U.S. Provisional Patent Application No. 61/036,526, filed Mar. 14, 2008.

2. I am currently Intellectual Property (“IP”) Counsel at Honeywell International Inc. (“Honeywell”). My primary focus is in the Fluorine Products business unit of the Performance Materials and Technologies strategic business group and I am the responsible IP attorney for the Fluorocarbon Process Technology (4511) group. Prior to starting with Honeywell in 2007, I was Senior IP Counsel for Sara Lee Corporation from 2002-2006. From 1997-2002 I was an associate with Kirkland & Ellis LLP in Chicago, Illinois.

3. I earned my Juris Doctorate from the University of Michigan Law School in 1997. Prior to attending law school, I attended the University of Illinois

at Urbana-Champaign from 1989-1993 and graduated with a Bachelor of Science in Metallurgical/Material Science Engineering.

4. As part of my responsibility as IP counsel, it is my responsibility to oversee the invention disclosure and invention protection process for the Fluorocarbon Process Technology (4511) group. Similar to other groups within Honeywell, the invention protection process comprises: (1) the inventor internally discloses an invention by completing an invention disclosure form on the Honeywell Worldwide Invention Disclosure System (“WIDS”) system; (2) a Patent Committee (PC), including business, technical and legal representatives reviews the invention disclosure; (3) if the PC determines the invention disclosure has strategic value & should be protected by patent, the PC minutes will request the inventor(s) prepare detailed description of invention; instruct a patentability search be conducted; optionally request additional information, testing, or technology review; prompt IP attorney’s assessment of patentability; and/or authorize the drafting of a patent application; and (4) once approved by the PC, the IP attorney works with the inventor(s) to prepare and prosecute the patent application.

5. The PC process is essential to Honeywell's commitment to protect its intellectual property. In particular, the PC was of importance to the Fluorocarbon

Process Technology (4511) group not only in its role to assess the technical feasibility of the process or processes to be used to manufacture the fluorinated olefins, but also identifying its connection to the business' strategic plan. As such, concurrent with the PC meetings evaluating this process to produce 1234yf, the business itself was executing its strategic plan and investment in 1234yf.

6. I have been asked to outline the particular invention protection process for U.S. Provisional Patent Application No. 61/392,242 filed on October 12, 2010, that is referred to internally by its docket number H0024680 entitled “Integrated Continuous Process for Dehydrofluorination of 236ea and 245eb.”

7. It is the regular practice of Honeywell for its employees to record information regarding their inventions in the WIDS system. The WIDS system was designed to enable any employees to record, store and retrieve information about their inventions. WIDS is also used for the uniform gathering of information and efficient distribution to the appropriate Honeywell business units (and related PCs) for the assessment of inventions. The records for the WIDS system are prepared, kept and maintained electronically in the ordinary course of Honeywell's business and the system records activity (the date and time) with respect to each invention disclosure. Consistent with Honeywell procedure, Selma Bektsevic disclosed her innovation to the legal team by way of the WIDS system. A printable

copy of the invention disclosure form marked as H0024680 entitled “Integrated Continuous Process for Dehydrofluorination of 236ea and 245eb” and indicating that it was submitted on August 21, 2009 in the WIDS system as is evidenced by page of 1 of the invention disclosure form. Submitted herewith as Exhibit 2029 is a true and accurate copy of the invention disclosure form I received in the ordinary course of business.

8. Once the invention entered the WIDS system, it was scheduled for review during the next PC meeting.

9. While I had been with Honeywell for some time, in the fall of 2009, I assumed responsibility as the IP attorney for the Fluorocarbon Process Technology (4511) group and set my first Fluorocarbon Process Technology (4511) group PC meeting for January of 2010.

10. Based on scheduling, the next PC meeting was held January 11, 2010. As the responsible IP attorney, I conducted this PC meeting. During this PC meeting, the PC requested that Selma Bektesevic draft a detailed disclosure for the “Integrated Continuous Process for Dehydrofluorination of 236ea and 245eb.” It was the regular practice of the PC to request a detailed disclosure of an invention if further information was needed for review. Dr. Selma Bektesevic prepared the requested detailed disclosure at or near this time and I received the detailed

disclosure on February 10, 2010. A true and accurate copy of the detailed disclosure received from Selma Bektesevic on February 10, 2010 in the ordinary course of business is included herewith as Exhibit 2030.

11. A subsequent PC meeting was held over two days on April 5 and 13, 2010. I participated in this PC meeting. During this PC meeting, the PC requested that I review the invention disclosure form and the detailed disclosure for the “Integrated Continuous Process for Dehydrofluorination of 236ea and 245eb” with an eye to filing. A review of this nature is customary for an IP attorney at Honeywell. As the lead IP attorney for this group, I continuously look at obtaining valuable claims in the U.S. and elsewhere. I also take into consideration the global 1234yf business, the general competitive landscape, as well as patentability issues within the United States and globally. As part of my normal review of disclosures when prompted by the PC, I review our current portfolio, I examine the disclosure in WIDS, I review the instructions from the PC and then I consult with business and technology leaders. Based on this review, I prepare a recommendation for the next PC. In this case, I recommended that we proceed with filing a provisional patent application for the “Integrated Continuous Process for Dehydrofluorination of 236ea and 245eb.”

12. A PC meeting was held on July 12, 2010. It was the regular practice of Honeywell for minutes of the PC meeting to be recorded and kept in the ordinary course of business at or near the time of the meeting. Customarily, the meeting minutes were kept by my paralegal. A true and accurate copy of the SBE 4511 – Fluorocarbon Process - PATENT COMMITTEE MEETING MINUTES from July 12, 2010, is submitted herewith as Exhibit 2042 as kept in the ordinary course of business. I participated in this PC meeting. During this PC meeting, the PC requested that I send the invention disclosure form and the detailed disclosure to outside counsel for filing.

13. Customarily, the minutes are prepared by my paralegal and sent to me for approval. Once approved, the minutes are circulated to the business and instructions are provided to our patent services department. This process generally lasts 2 weeks based on assigned deadlines.

14. During this time period, both my paralegal James DePasque and I both took vacation between July 26 and August 2. Immediately on our return to the office, I recall that my paralegal scheduled a meeting with me on August 2, 2010 to discuss follow up actions from the July meeting. It is during this meeting, he would have provided feedback from each of the stakeholders. Unless there were any objections, I would have instructed him to proceed with instructions outlined in the

PC minutes in accordance with his other daily duties as the sole paralegal for this group.

15. I instructed my paralegal, James DePasque, to generate a cover letter and guidelines for preparing the application in view of the budget that was authorized. During this time, upon my return, I was involved in negotiations related to at least two technology transactions including due diligence, and negotiating licensing and supply agreements, which occupied a significant amount of my time on a daily basis, and in addition Mr. DePasque would have assisted me with those transactions on a daily basis. It is my opinion that Mr. DePasque was diligent in his work, and picked up this disclosure and supporting materials in accordance with his practice as instructed. Understanding that I wanted to file this case in early October, Mr. DePasque transmitted those instructions to Joe Posillico at Fox Rothschild LLP on August 19, 2010.

16. I was copied on an email that included an initial draft of the application from Fox Rothschild LLP September 29. Consistent with standard practice, Fox Rothschild LLP provided the inventors with 7 days to review the draft and provide any comments.

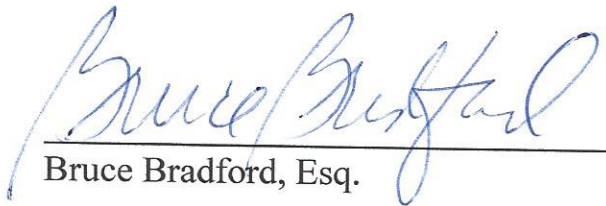
17. On October 1, 2010, I was copied on an email transmitted by Selma Bektesevic asking for additional time to review the draft. After Fox Rothschild

LLP confirmed that I had authorized that an extension of time for further review, I was copied on an email transmitted by Selma Bektesevic on October 12, 2010 indicating that the inventors had discussed and that it was “OK to file invention [sic] as is.” I received confirmation that Fox Rothschild filed the provisional application that day.

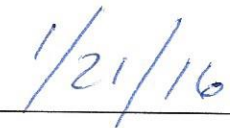
18. The business ultimately decided to convert the provisional application. Pursuant to my instructions, on August 2, 2011 my paralegal, Mr. DePasque, instructed Fox Rothschild to convert the provisional application. The non-provisional application was subsequently filed on September 9, 2011.

Declaration of Bruce Bradford, Esq.
IPR2015-00916

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that all statements made herein of my own knowledge are true and that all opinions expressed herein are my own; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Bruce Bradford, Esq.



Date