

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CULTEC, INC.,
Petitioner

v.

STORMTECH LLC,
Patent Owner

Case IPR2017-00526
Patent 8,672,583

Declaration of David Mailhot

I, David Mailhot, declare:

1. I am employed as a Technical Director at StormTech, LLC (“StormTech”) and Advanced Drainage Systems, Inc. (“ADS”).
2. I provide this Declaration in connection with the above-identified *Inter Partes* Review (“IPR”) proceeding. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge. And, if I am called upon to testify, I could testify competently to the statements in this declaration.
3. I am one of the three co-inventors of the subject matter described in U.S. Patent Application No. 12/802,483, which was filed on June 7, 2010, and is entitled “CORRUGATED STORMWATER CHAMBER HAVING SUB-CORRUGATIONS.” This patent application claims priority to U.S. Provisional Application No. 61/217,905, filed on June 5, 2009, and issued as U.S. Patent No. 8,672,583 (“the ’583 Patent”) on March 18, 2014.
4. I do not have any direct financial interest in the ’583 patent. While I am employed by the assignee of the ’583 patent, StormTech, LLC, and its parent company, ADS, my employment and salary are not dependent upon the outcome of this IPR or upon the outcome of the ongoing litigation between the parties of this IPR.
5. In 2003, I began working for StormTech and ADS and have remained employed there to this day.

6. I received a Bachelor of Science in Civil Engineering degree from the University of Massachusetts, Amherst in 1977. I received a Master of Business Administration degree from Assumption College in 1997.

7. Beginning in 2004, I worked on developing a high capacity stormwater chamber. As part of my efforts, I collaborated with my co-inventors Timothy McGrath, who at the time was employed by the engineering firm Simpson Gumpertz & Heger Inc., and Nimish Gandhi, who at the time was employed by Infiltrator Water Technologies, LLC.

8. In 2007, as part of ongoing efforts to develop larger capacity stormwater chambers, my co-inventors and I designed and built a prototype chamber including corrugations and sub-corrugations. This prototype is shown in Exhibit 2005.


9. In October 2007, we installed the prototype at a test facility to evaluate the prototype chamber as shown in Exhibit 2005. The installation included excavating soil, arranging the prototype chamber in the excavated area, covering the prototype chamber with gravel and soil, and compacting the gravel and soil. The installation process is shown in Exhibit 2006 at pages 1-9.

10. To test the chambers, a wheel loader was driven over the buried prototype chamber while carrying a load of cement blocks in October 2007. This test is shown in Exhibit 2006 at page 10. As shown in Exhibit 2009, page 10, the

prototype chamber supported the loaded wheel loader. The test generated data on the performance of the sub-corrugated chamber. Based on the information obtained from this test, my co-inventors and I determined that the prototype would function as a stormwater chamber.

11. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and 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.

Dated: April 27, 2017

By: 
David Mailhot