

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 Timothy McGrath

I, Timothy McGrath, declare:

1. I am currently employed as a Principal at TJMcGrath, LLC.

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 current financial interest in the ’583 patent. I am not and have never been employed by the assignee of the ’583 patent, StormTech, LLC, and its parent company, Advanced Drainage Systems, Inc. (“ADS”). While I am being compensated at a rate of \$275 per hour for my time spent to prepare this declaration, my pay is not dependent upon the outcome of this IPR or upon the outcome of the ongoing litigation between the parties of this IPR.

5. From 1973 to 2012, I was employed at Simpson Gumpertz & Heger Inc. During the period of the work for StormTech I was Senior Principal.

6. I received a Bachelor of Science degree in Civil Engineering from Northeastern University (1973), a Master of Science degree in Civil Engineering from Massachusetts Institute of Technology (1975) and a Doctor of Philosophy degree from the University of Massachusetts in Geotechnical Engineering (1998).

7. Beginning in 2004, I worked on developing a high capacity stormwater chamber. As part of my efforts, I collaborated with my co-inventors David Mailhot and Nimish Gandhi.

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 concrete blocks in October 2007. This test is shown in Exhibit 2006 at page 10. 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: 26 April 2017

By: 
Timothy McGrath