

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

VF Outdoor, LLC
Petitioner

v.

Cocona, Inc.
Patent Owner

Patent No. 8,945,287
Inter Partes Review No. IPR2018-00190

DECLARATION OF DIANE L. PETERSON

I, Diane L. Peterson, declare as follows:

1. I have personal knowledge of the matters set forth herein, and if I am called to testify, I could and would testify competently thereto. I am an attorney with the law firm Kutak Rock LLP, who is representing Patent Owner Cocona, Inc. (“Cocona”).

2. Exhibit 2014 is a true and correct copy of the publicly available document hosted at http://running.competitor.com/2012/02/shoes-and-gear/the-north-face-unveils-flashdry-science_47664. I obtained a true and correct copy of this document on August 30, 2018.

3. Exhibit 2015 is a true and correct copy of the publicly available document hosted at <https://www.zdnet.com/article/qa-philip-hamilton-director-of-product-the-north-face>. I obtained a true and correct copy of this document on August 30, 2018.

4. Exhibit 2016 is a true and correct copy of the publicly available document hosted at <https://gearjunkie.com/north-face-2012-product-launch>. I obtained a true and correct copy of this document on August 30, 2018.

5. Exhibit 2017 is a true and correct copy of the publicly available document hosted at <https://www.irunfar.com/2012/10/the-north-face-stormy-trail-jacket-review.html>. I obtained a true and correct copy of this document on August 30, 2018.

6. Exhibit 2018 is a true and correct copy of the publicly available document hosted at <https://www.businessinsider.com/north-face-mens-apex-lite-jacket-2012-12>. I obtained a true and correct copy of this document on August 30, 2018.

7. Exhibit 2019 is a true and correct copy of the publicly available document hosted at <https://www.backpacker.com/gear/gear-review-the-north-face-split-hardshell-jacket>. I obtained a true and correct copy of this document on August 30, 2018.

8. Exhibit 2020 is a true and correct copy of the publicly available document hosted at <https://www.climbing.com/gear/bring-on-the-rain-hard-shells>. I obtained a true and correct copy of this document on August 30, 2018.

9. Exhibit 2021 is a true and correct copy of the publicly available document hosted at <https://www.pinkbike.com/news/Pinkbike-Product-Picks-may-31-2013.html>. I obtained a true and correct copy of this document on August 30, 2018.

10. Exhibit 2022 is a true and correct copy of the publicly available document hosted at <https://www.backpacker.com/gear/gear-review-millet-alpine-xcelerator-hardshell>. I obtained a true and correct copy of this document on August 30, 2018.

11. Exhibit 2023 is a true and correct copy of the publicly available document hosted at <http://backcountryskiingcanada.com/Sierra%20Design%20Sonic%20Outlaw%20Soft%20Shell%20Jacket%20Review>. I obtained a true and correct copy of this document on August 30, 2018.

12. Exhibit 2024 is a true and correct copy of the publicly available document hosted at <http://www.snowmobile.com/news/polaris-offers-new-puredry-riding-gear-1405.html>. I obtained a true and correct copy of this document on August 30, 2018.

13. Exhibit 2025 is a true and correct copy of the publicly available document hosted at <http://crossbikereview.com/clothes/reviews/hc-h20-jacket>. I obtained a true and correct copy of this document on August 30, 2018.

14. Exhibit 2026 is a true and correct copy of the publicly available document hosted at <http://www.boredyak.com/2012/02/gear-review-2012-homeschool.html>. I obtained a true and correct copy of this document on August 30, 2018.

15. Exhibit 2027 is a true and correct copy of the publicly available document hosted at <https://bikemagic.com/cycling-clothing/showers-pass-double-century-ex-waterproof-jacket-review.html>. I obtained a true and correct copy of this document on August 30, 2018.

16. Exhibit 2028 is a true and correct copy of the publicly available document hosted at <https://www.slugmag.com/product-reviews/product-reviews-45>.

I obtained a true and correct copy of this document on August 30, 2018.

17. Exhibit 2029 is a true and correct copy of the request for certificate of correction for U.S. Patent Application 10/462105, U.S. Patent No. 7,247,374 B2.

18. Exhibit 2030 is a true and correct copy of the certificate of correction for U.S. Patent Application 10/462105, U.S. Patent No. 7,247,374 B2.

19. Exhibit 2002 is a true and correct copy of an excerpt from Rosato's Plastic's Encyclopedia and Dictionary.

20. Exhibit 2003 is a true and correct copy of ASTM E-96.

21. Exhibit 2004 is a true and correct copy of an excerpt from the Dutta European file history.

22. Exhibit 2007 is a true and correct copy of the deposition transcript of Abigail Oelker, Ph.D. in IPR2018-00190.

23. Exhibit 2008 is a true and correct copy of the errata sheet to the deposition transcript of Abigail Oelker, Ph.D. in IPR2018-00190.

24. Exhibit 2009 is a true and correct copy of ASTM E96 vs F1294, Mocon Inc., May 16, 2017.

25. Exhibit 2010 is a true and correct copy of the Cabot Corp. webpage on carbon black, which is publicly available at

<http://www.cabotcorp.com/solutions/products-plus/carbon-blacks-for-elastomer-reinforcement>.

26. I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code.

By Diane L. Peterson: 

Date: 10/5/2018