

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

R.J. REYNOLDS VAPOR COMPANY,
Petitioner

v.

FONTEM HOLDINGS 1, B.V.
Patent Owner

U.S. Patent No.: 9,456,632
Issue Date: October 4, 2016
Title: Electronic Cigarette

Inter Partes Review No.: IPR2018-00634

DECLARATION OF KYLE E. YARBERRY

I, Kyle E. Yarberry, declare as follows:

1. I am an attorney at Brinks Gilson & Lione. I am licensed to practice law in the state of Illinois.

2. I am over 18 years of age and I make this declaration based upon my own knowledge, personal experience, and belief. If called upon, I can competently testify to the facts stated in this declaration.

3. I assisted with the collection and assembly of the documents included as Exhibits supporting Petitioners' Petition for *Inter Partes* Review of U.S. Patent No. 9,456,632, bearing *Inter Partes* Review number IPR2018-00634, to be filed on March 1, 2018.

4. Exhibit 1013, as submitted with Petitioner's Petition, is a true and accurate copy of the cover, inside cover, copyright page, and page 268 of Merriam-Webster's Collegiate Dictionary, Merriam-Webster, Inc. (11th ed. 2003). The original text is available for inspection and copying at the offices of Brinks Gilson & Lione, Suite 3600 NBC Tower, 455 Cityfront Plaza Drive, Chicago IL 60611-5599.

5. I hereby declare that all statements made in this declaration are of my own knowledge and are true, 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 so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

The contents of this declaration are true under penalty of perjury of the laws of the United States.

Dated: March 1, 2018

/Kyle E. Yarberry/

Kyle E. Yarberry