

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE BURTON CORPORATION,
Petitioner,

v.

SMITH SPORT OPTICS, INC. AND KOROYD SARL,
Patent Owner.

Case No. TBD
Patent No. 10,736,373

**DECLARATION OF MARIE MCKIERNAN IN SUPPORT OF PETITION
FOR INTER PARTIES REVIEW UNDER U.S.C. §§ 311-319 AND 37 C.F.R.
§ 42.1 et seq**

I, Marie McKiernan, declare:

1. I am an Associate at the law firm Wolf, Greenfield and Sacks, P.C. and counsel of record for Defendant, The Burton Corporation (“Burton”) in *Smith Sports Optics, Inc., et al. v. The Burton Corporation*, Civ. Action No. 1:21-cv-2112-CMA-SKC, pending in the United States District Court for the District of Colorado (“Colorado Litigation”).

2. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could and would testify competently to those facts.

3. On December 21, 2021, a Motion to Stay Pending *Inter Partes* Review with corresponding Memorandum of Law, Declaration, Exhibits, and Proposed Order will be filed in the Colorado Litigation immediately after the Petition for *Inter Partes* Review of U.S. Patent No. 10, 736,373 is filed before the Patent Trial and Appeal Board.

Dated: December 21, 2021

Marie McKiernan

Marie McKiernan