

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARDNER DENVER, INC.,
Petitioner,
v.
UTEX INDUSTRIES, INC.,
Patent Owner.

IPR2020-00333
U.S. Patent No. 10,428,949

DECLARATION OF BENTON BAUGH, Ph.D., P.E.
UNDER 37 C.F.R. § 1.68 IN SUPPORT OF THE PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 10,428,949

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I, Benton Baugh, do hereby declare under penalty of perjury under the laws of the United States of America that the following is true and correct, and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

I. INTRODUCTION

1. I have been retained by Gardner Denver, Inc. (“Petitioner” or “Gardner Denver”) in connection with Gardner Denver’s Petition for *inter partes* review (“IPR”) of claims 1-16 (“Challenged Claims”) of U.S. Patent No. 10,428,949 titled “PACKING ASSEMBLY FOR A PUMP” (“the ’949 Patent”).

2. I have been asked to provide opinions regarding whether the claims of the ’949 patent are unpatentable over the prior art. I understand that this declaration will be used in support of Gardner Denver’s Petition for IPR of the ’949 patent.

3. IMS charges at my customary fee of \$ 550 per hour for work associated with this matter. IMS is also being reimbursed for reasonable and customary expenses. My compensation does not depend upon the outcome of this IPR.

II. SUMMARY OF OPINIONS

4. For the following reasons, I conclude that (1) claims 1-6, 9, 10, and 13 are anticipated by U.S. Patent No. 4,474,382 (“Hjelsand”); (2) claims 1-6, 9, 10, and 13 are obvious by Hjelsand; (3) claims 1-6, 9, 10, and 13 are obvious by Hjelsand in

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