DECLARATION

I, Brian P. Lynch, declare as follows:

- 1. I am one of the representatives for Petitioner Levitations Arts, Inc. and make this Declaration in support of Levitation Art's Petition for Post-Grant Review U.S. Patent No. D799,100.
- 2. All statements made herein are of my own knowledge and are true, and all statements made on information and belief are believed by me to be true at the time of signing this declaration.
- 3. The documents of attached Appendix A (the same Exhibit 1005) are true and correct copies of the Facebook.com Event Page titled "Flyte: Mind the gap Kickstarter launch party" (the "Event Page") that I downloaded from https://www.facebook.com/events/1567317416880948 on January 19, 2018. The Facebook.com page lists the event a "public" event. Multiple web browsers and screen capture applications were used to capture the Event Page.

- 1 -

Levitation Arts, Inc. Exhibit 1008 Levitation Arts, Inc. v. Flyte, LLC PGR2018-00073

- 4. Appendix B is a true and correct copy of the Facebook.com Help Center page titled "How do I control who sees or joins my event?" that I downloaded from facebook.com/help/208747122499067?helpref=about_content on May 29, 2018.

 Appendix B states "Note: Once you create and event, you won't be able to change the event's privacy settings."
- 5. Appendix C is a true and accurate May 30, 2018 web capture of https://www.facebook.com/events/1567317416880948 listing the 200+ people who were listed as "went" to the Patent Owner's April 21, 2015 Kickstarter Launch Party, and indicated that 1278 people were invited. The profiles listed on pages 2-10 of Appendix C were of people listed as "went" to the Patent Owner's party.
- 6. Since before April 9, 2015, Facebook.com has recorded the revision history of posts in event pages. Appendix D (the same as Exhibit 1007) is a true and correct copy of a Facebook.com event page for an October 27, 2013 event titled "October Brew Day" that I downloaded from https://www.facebook.com/events/162544693954181 on July 1, 2018. Dr. Swihart's second post of the event does not include a "view edit history" tab.

- 7. Appendix E is a true and correct copy of a Facebook.com event page for an October 27, 2013 event titled "October Brew Day" that I downloaded from https://www.facebook.com/events/162544693954181 on July 1, 2018. Dr. Swihart's first post of the event does include a "view edit history" tab.
- 8. Appendix F is a true and correct copy of a Facebook.com event page for an October 27, 2013 event titled "October Brew Day" that I downloaded from https://www.facebook.com/events/162544693954181 on July 1, 2018 showing the revision history of Dr. Swihart's first post.
- 9. Appendix G is a true and correct copy of a Facebook.com event page that I downloaded from https://www.facebook.com/events/308073943065466 on July 1, 2018. Appendix G shows that Facebook.com records changes in images.
- 10. Daniel Mascarenhas' April 9, 2015 posting on the Event Page <u>did not</u> include a "View Edit History" tab, indicating that neither the text of his post nor the image of the post had been edited since it was first posted on April 9, 2015.
- 11. Appendix H (the same as Exhibit 1006) is a true and correct copy of Pau Mallol's Facebook.com page (https://www.facebook.com/pau.lafleur) and his

April 13, 2015 post advertising the Event Page as captured on January 19, 2018. The link below the image of the levitating light bulb and base on Pau Mallol's Facebook.com page hyperlinked to the Event Page.

- 11. Appendix I is a true and correct print off from Google.com's May 18th, 2018 cache of the Event Page (https://www.facebook.com/events/1567317416880948). Based on personal knowledge, Google.com's cache of the Event Page is true and accurate representation of the Event Page on or around May 18th 2018. The Event Page had been substantially unchanged since at least January 19, 2018.
- 12. On Friday May 25, 2018, I contacted four people who were listed as having gone to the Patent Owner's Kickstarter launch party on the Event Page.

 The four people contacted were listed as either currently living in the United States or from the United States. Attached as Appendix J is a true and accurate recording of the communications to these four people. May 25, 2018 was the first time I contacted attendees of the Patent Owner's Kickstarter launch party regarding the public availability of the Event Page.
- 13. Just four days later, on Tuesday May 29, 2018, I again reviewed the Event Page and found that it had been scrubbed of Daniel Mascarenhas' April 9, 2015

post, Daniel Mascarenhas' April 13, 2015 post, Simon Morris' April 21, 2015 post,

and the Event Page's header picture. Daniel Mascarenhas is listed as a host on the

Event Page. A true and accurate copy of the scrubbed Event Page as recorded on

May 29, 2018 is shown in Appendix K.

14. Attached as Appendix L is a true and accurate copy of the Patent Owner's

"About" webpage (https://flyte.se/pages/about) as downloaded on July 1, 2018.

Simon Morris is listed as Founder/CEO of the Patent Owner, and Daniel

Mascarenhas is listed as Co-Founder/CMO.

9. I declare under penalty of perjury under the laws of the United States of

America that the foregoing is true and correct.

Date: **July 3, 2018**

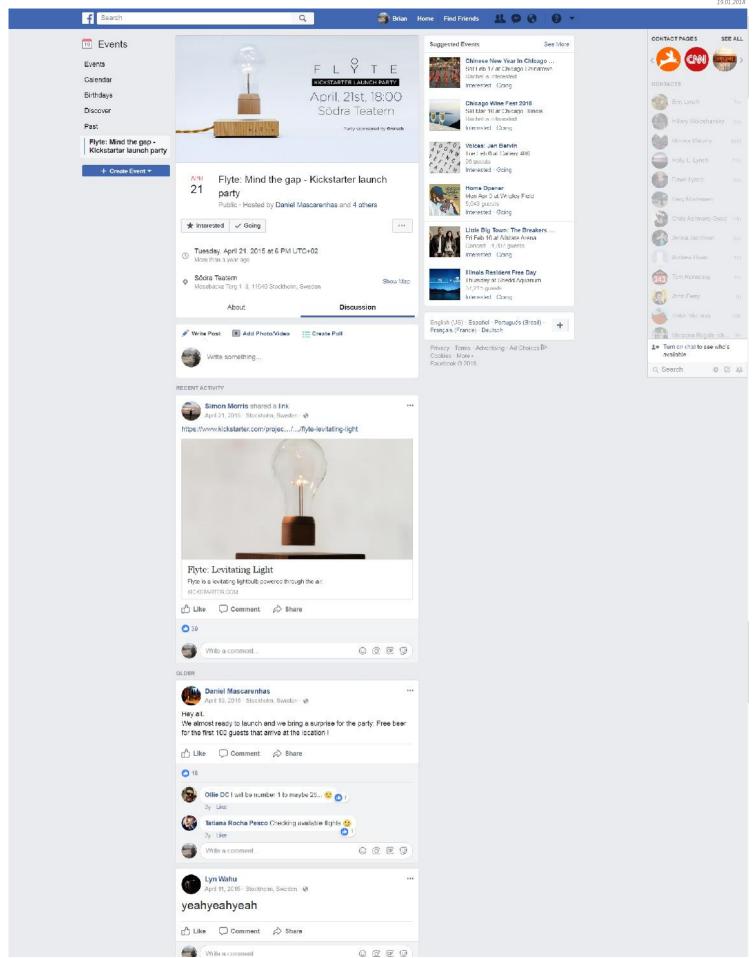
Brian Lynch

Registration No. 58,794

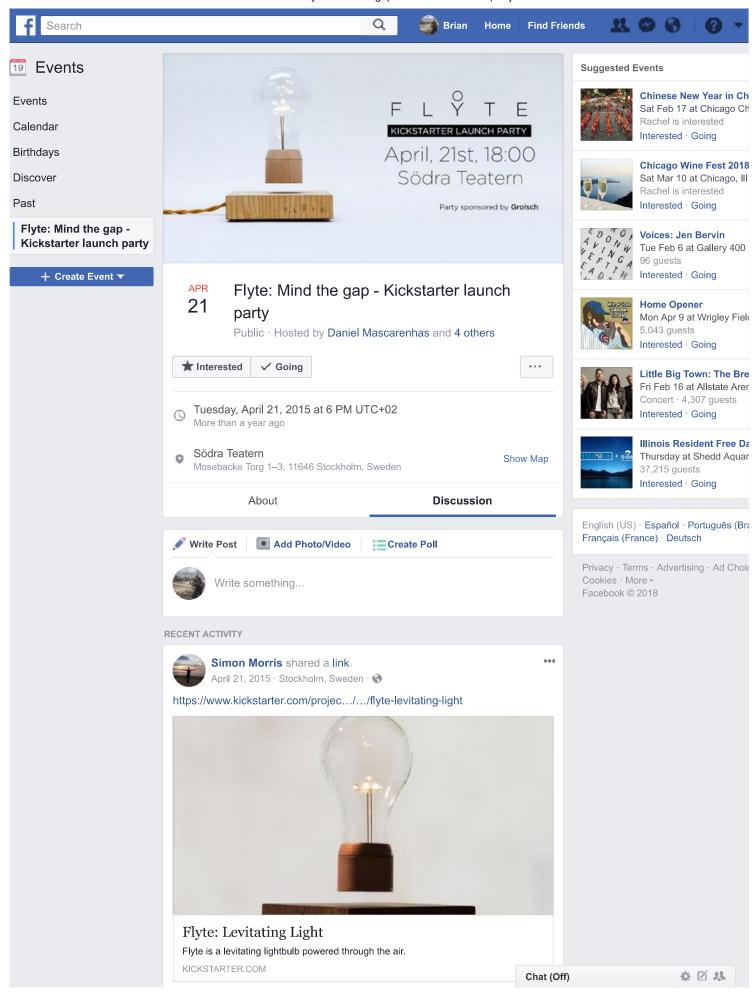
Exhibit 1008

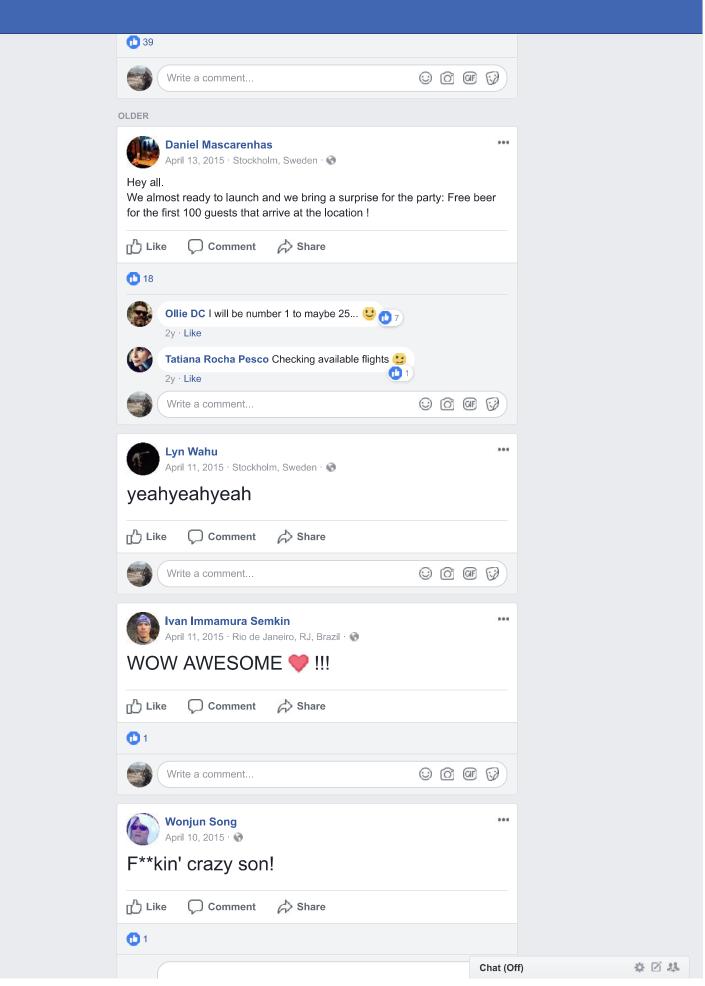
Appendix A

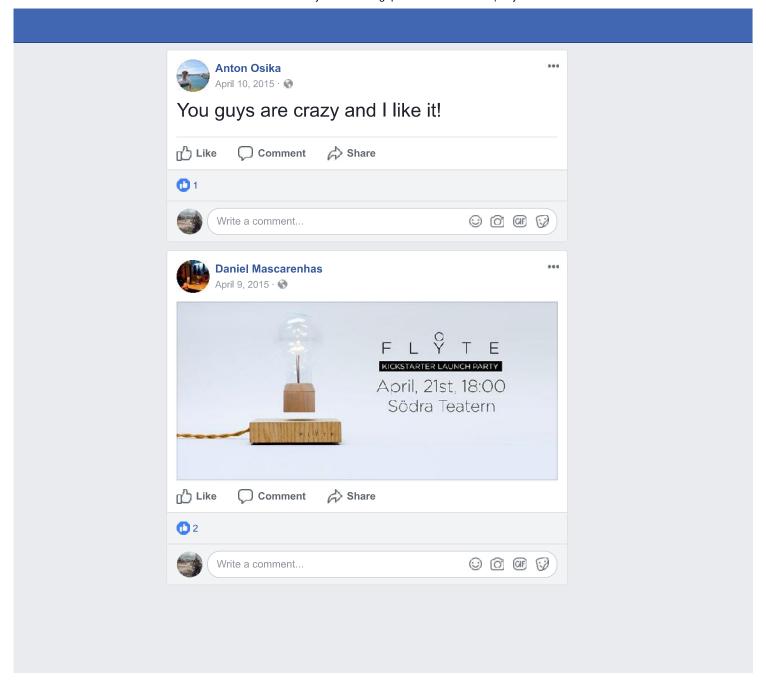
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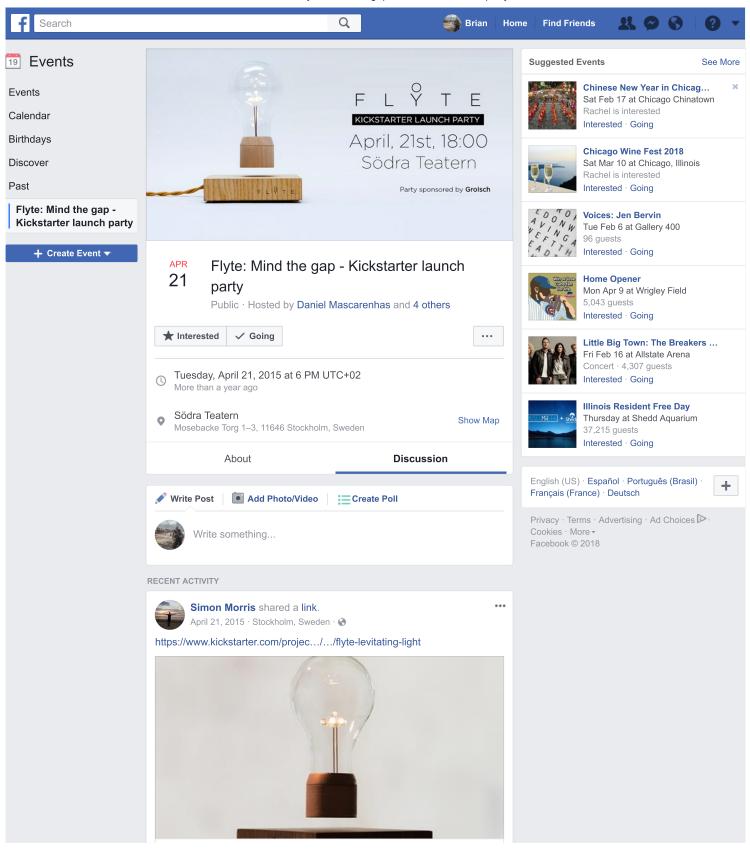


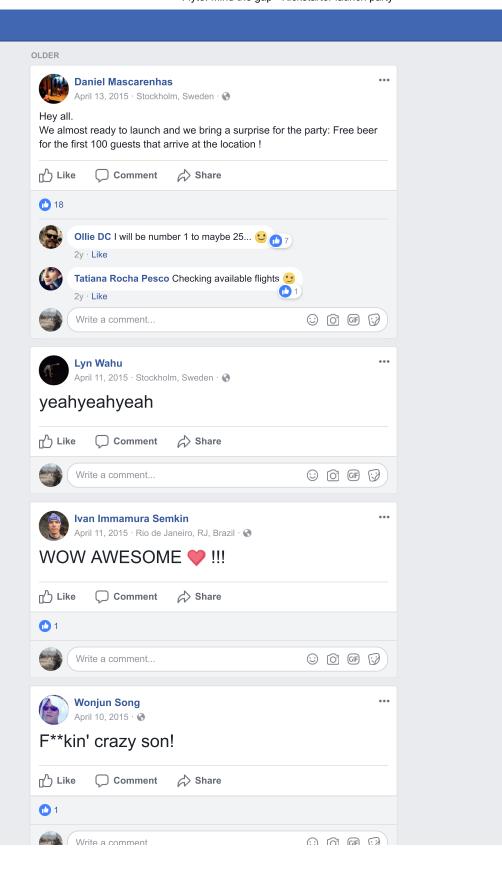


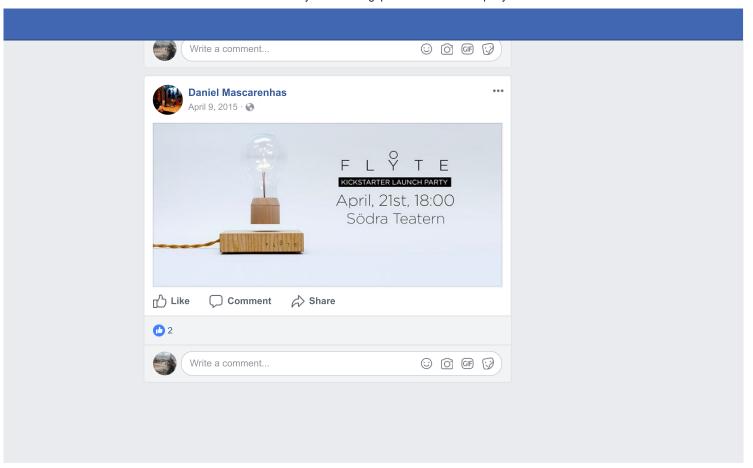


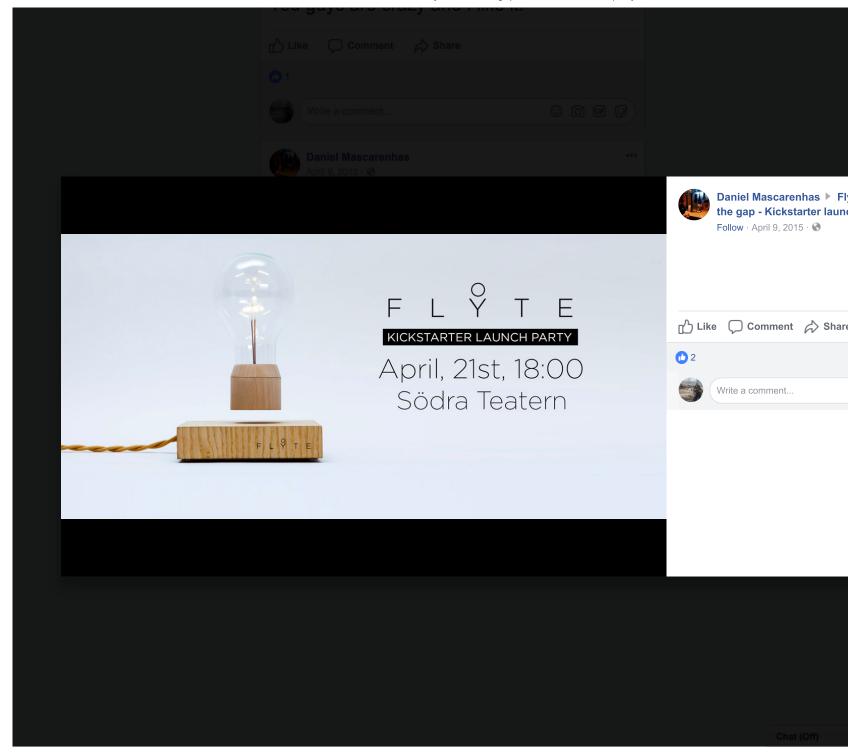


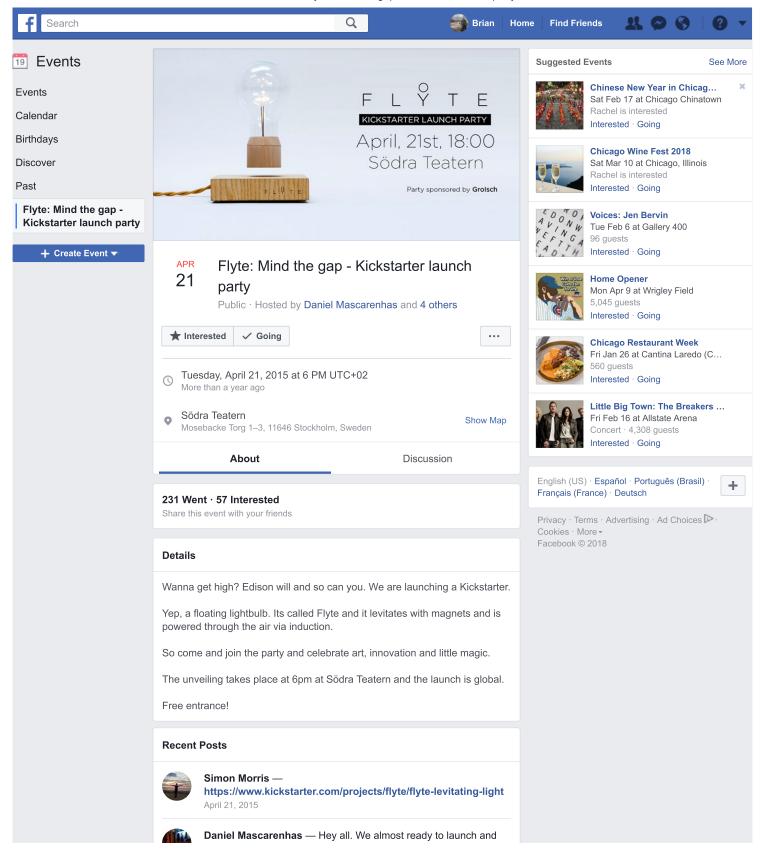
















Go to Page

Photos at Södra Teatern



See All Photos

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See All Events



7 posts in the discussion.

Events

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Exhibit 1008

Appendix B

screenshot-www.facebook.com-2018.05.29-17-48-25 https://www.facebook.com/help/208747122499067?helpref=about_content 29.05.2018

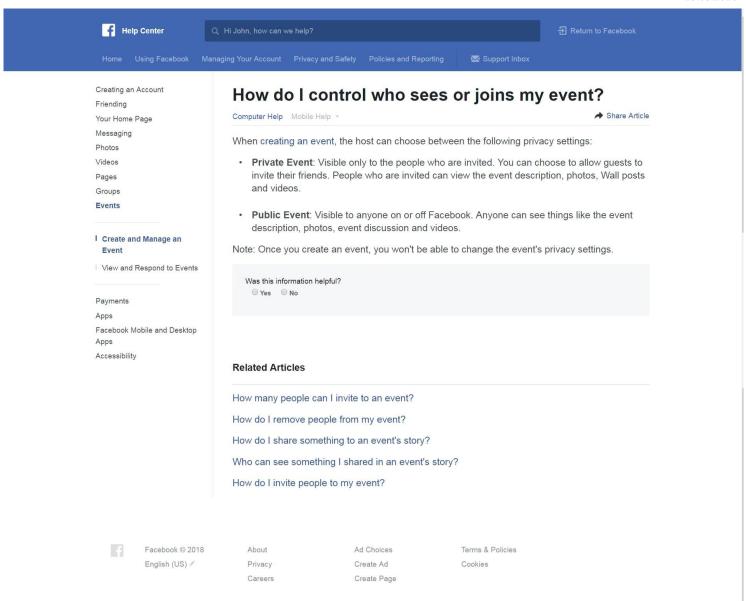
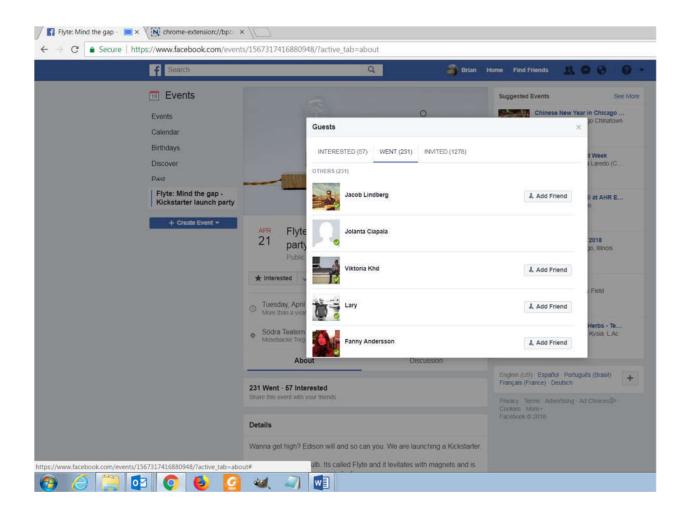
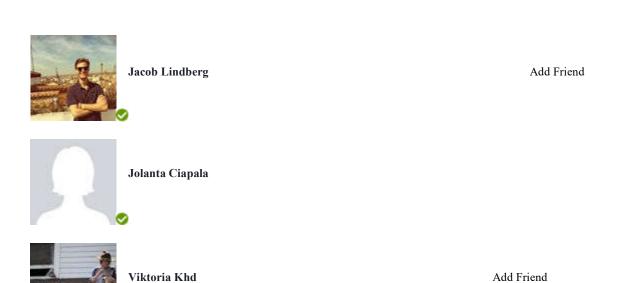


Exhibit 1008

Appendix C







Lary



Fanny Andersson

Add Friend



Lyn Wahu

Add Friend



Lou Grundström

Add Friend



Rafael Pini



Emelie Gustafsson Maistedt

Add Friend



Mia Thelander

Add Friend



Julia Söderberg

Add Friend

Prang Lerttaweewit





Daniel Mascarenhas



Tiago Pinheiro

Add Friend



Erna Domsgen

Add Friend



Victor Länsman

Add Friend



Ana Cecília Martins Barbosa

Add Friend



Murilo Polese

Add Friend



Fernanda Barbato

Jeroen Clark

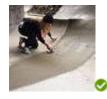




Paulo Barcelos



Tobias Edlund



Malin Blom

Add Friend



David Domínguez Cobos

Add Friend



Bruno Nascimento

Add Friend



Sylvain ChatLoup

Add Friend



Francesca Bignami

Lucas Lima





Valentino Giudice



Suzanne Worthington

Add Friend



Mathias Eriksson

Add Friend



Monika Ocieczek

Add Friend



Joel Lundblad



Fred Harandi

Add Friend



André Jofré

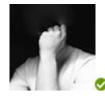
Add Friend

Rafael Coimbra





Pierre Cy



Aspar Karahyuseinov

Add Friend



Felipe Câmara

Add Friend



Pepe Borrás

Add Friend



Alberto Corti

Add Friend



Joao Nuno Valente

Add Friend



Xavi Vilar

Add Friend

David Giertta





Marco Barbosa



Bruno Steffen

Add Friend



Tatiana Rocha Pesco

Add Friend



Giorgos Chloros

Add Friend



Adrià Verdaguer

Add Friend



Mikael Lundin

Add Friend



Alexander Lundström

Add Friend

Märta Terne





Uditi Shah

Add Friend



Martin Dahlberg

Add Friend



Petter Widén

Add Friend



Linda Holmqvist

Add Friend



Artur Tchoukanov

Add Friend



Oscar Trollheden



Lovisa Hawerman

Add Friend

Solana Leguizamón





Oskar Westerberg



Mylène Prieur

Add Friend



Penny Jane

Add Friend



Simon Morris

Add Friend



Kari Shaw

Add Friend



Michelle Tully



Ozan Alptekin

Add Friend







Michael Eriksson



Ardavan Sahebkar

Add Friend



Maria Nordberg

Add Friend



Kenneth Hellem

Add Friend



Carl Bärstad



Soheill Deriss

Add Friend



Sebastian Paez

Add Friend

David Fahl

Exhibit 1008

Appendix D



Exhibit 1008

Appendix E





Exhibit 1008

Appendix F

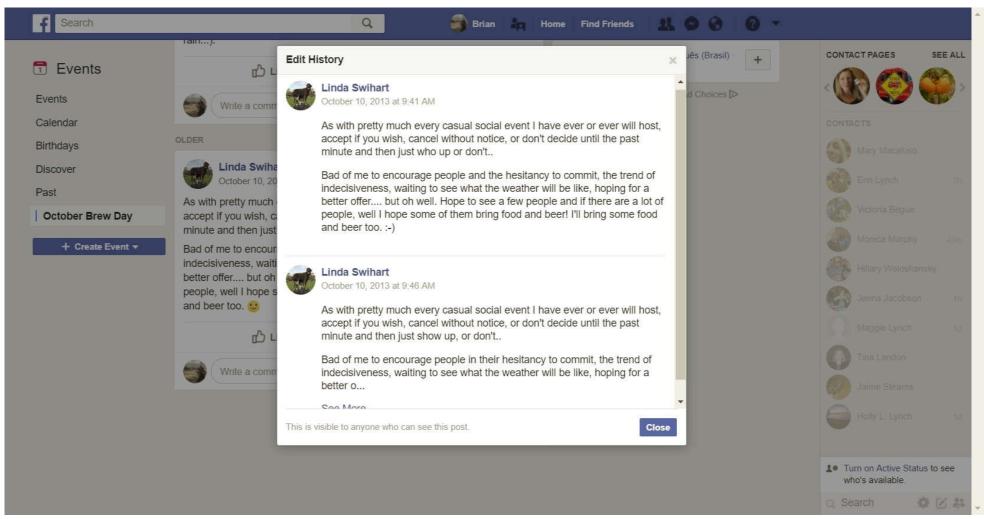


Exhibit 1008

Appendix G

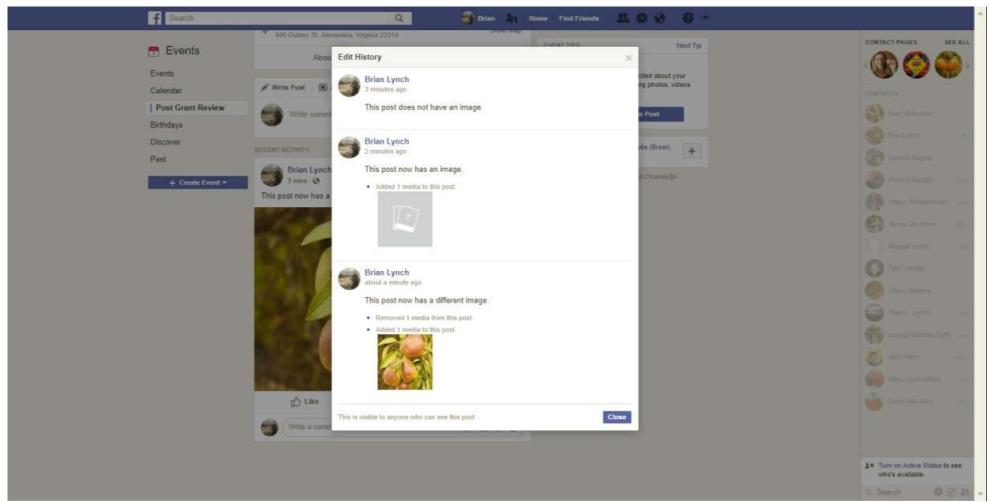


Exhibit 1008

Appendix H

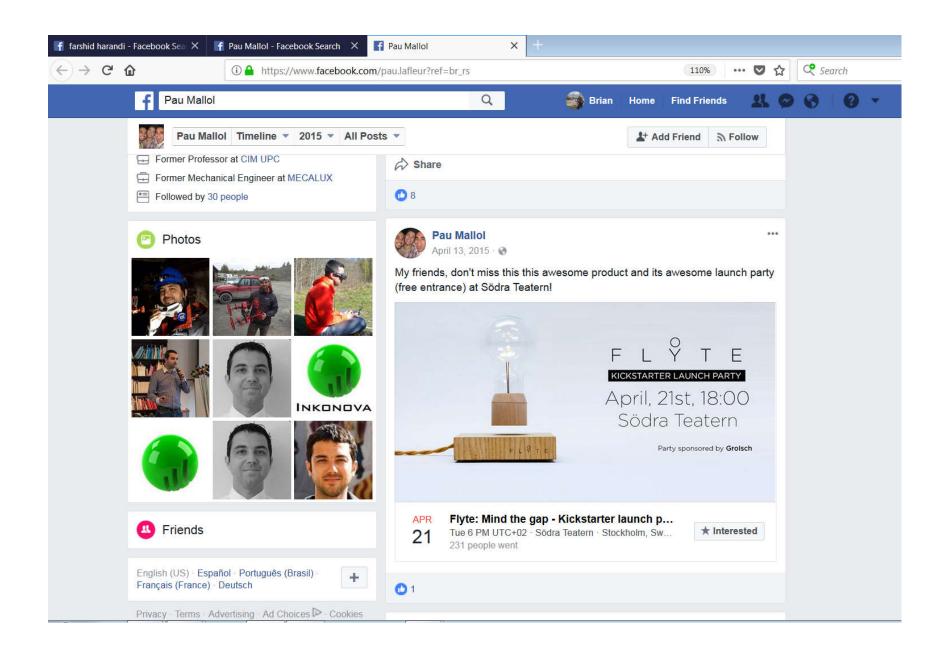


Exhibit 1008

Appendix I

screen shot-we bcache. goog le user content. com-2018.05.29-18-12-01

https://webcache.googleusercontent.com/search?

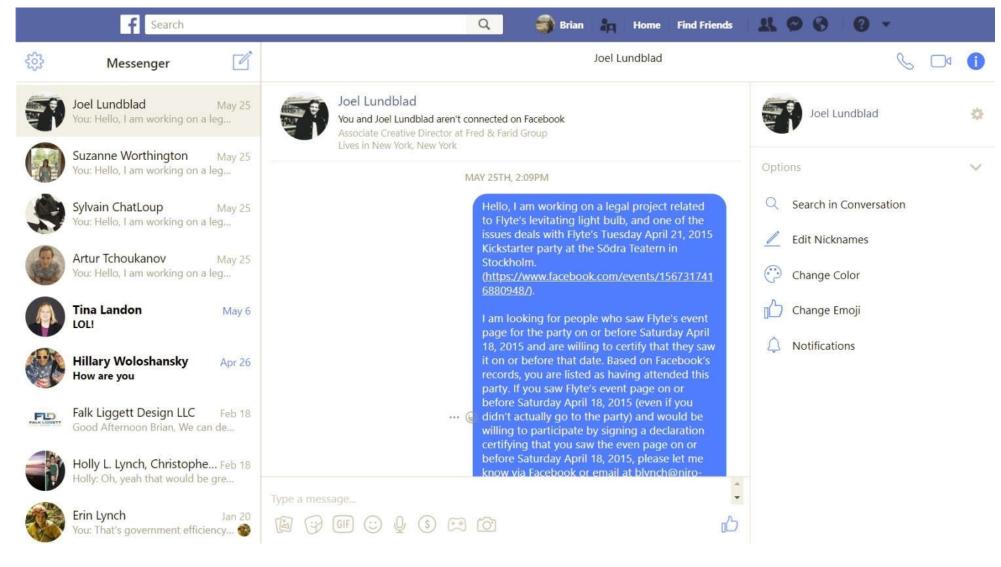
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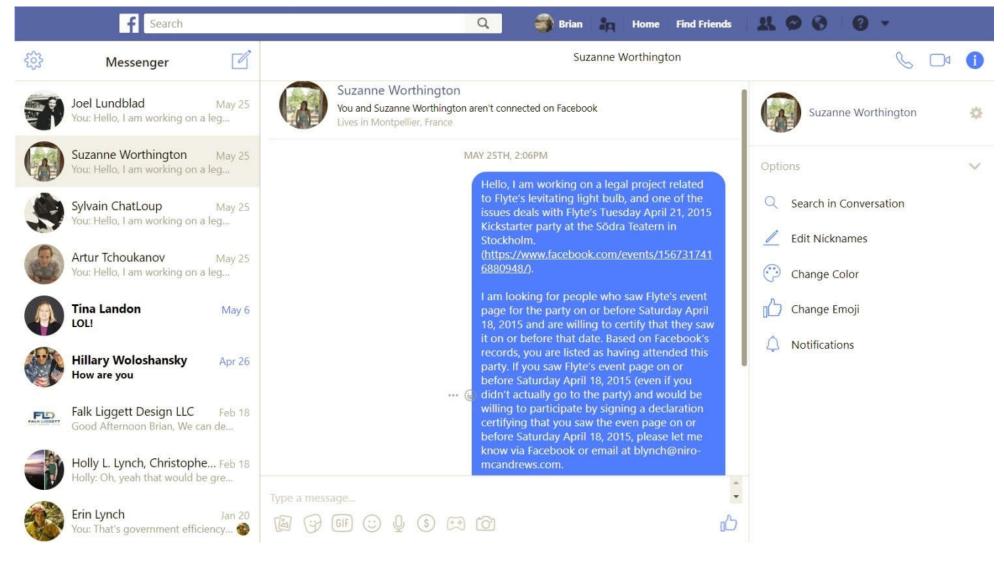
29.05.2018

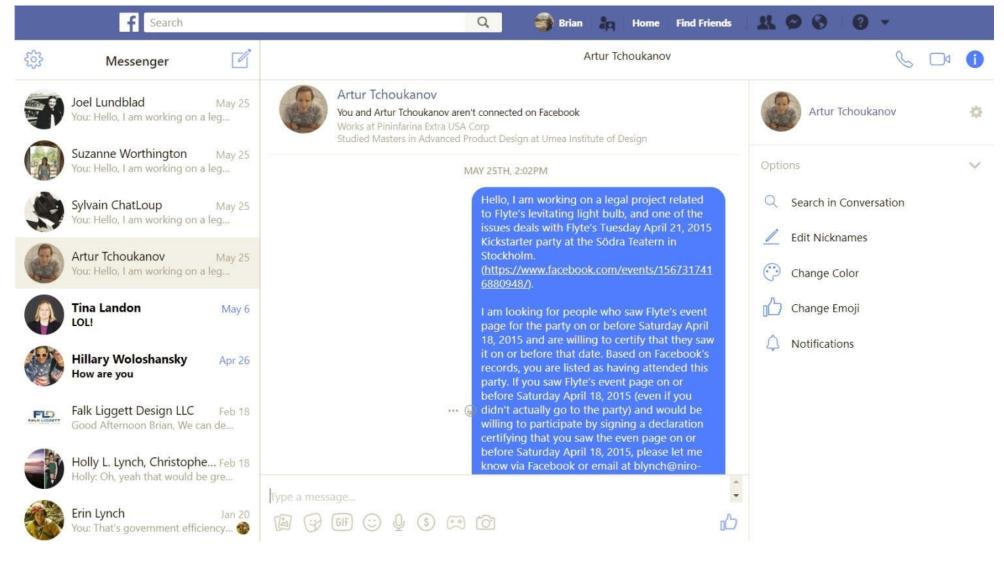
This is Google's cache of https://www.facebook.com/events/1567317416880948/. It is a snapshot of the page as it appeared on May 18, 2018 03:13:35 GMT. The current page could have changed in the meantime. Learn more Full version Text-only version View source Tip: To quickly find your search term on this page, press Ctrl+F or %-F (Mac) and use the find bar. facebook sign Up Join or Log Into Facebook -Email or Phone 17 Events English França Password Events Forgot account? Calendar Birthdays April, 21st, 18:00 Södra Teatern Do you want to join Facebook? Past Party sponsored by Grolsch Flyte: Mind the gap -Kickstarter launch party + Create Event ▼ Flyte: Mind the gap - Kickstarter launch 21 party Public · Hosted by Daniel Mascarenhas and 4 others *** Uesday, April 21, 2015 at 6:00 PM UTC+02 Södra Teatern Mosebacke Torg 1–3, 11646 Stockholm, Sweden Discussion 230 Went · 57 Interested Share this event with your friends Wanna get high? Edison will and so can you. We are launching a Kickstarter. Yep, a floating lightbulb. Its called Flyte and it levitates with magnets and is powered through the air via induction. So come and join the party and celebrate art, innovation and little magic. The unveiling takes place at 6pm at Södra Teatern and the launch is global. Free entrance! About the Venue Södra Teatern 43,498 Likes 381 talking about this Go to Page More Events at Södra Teatern MAY Maktfest! 18 Fri 8:00 PM UTC+02 · 165 people are going MAY Klubb Fuldans

Exhibit 1008

Appendix J







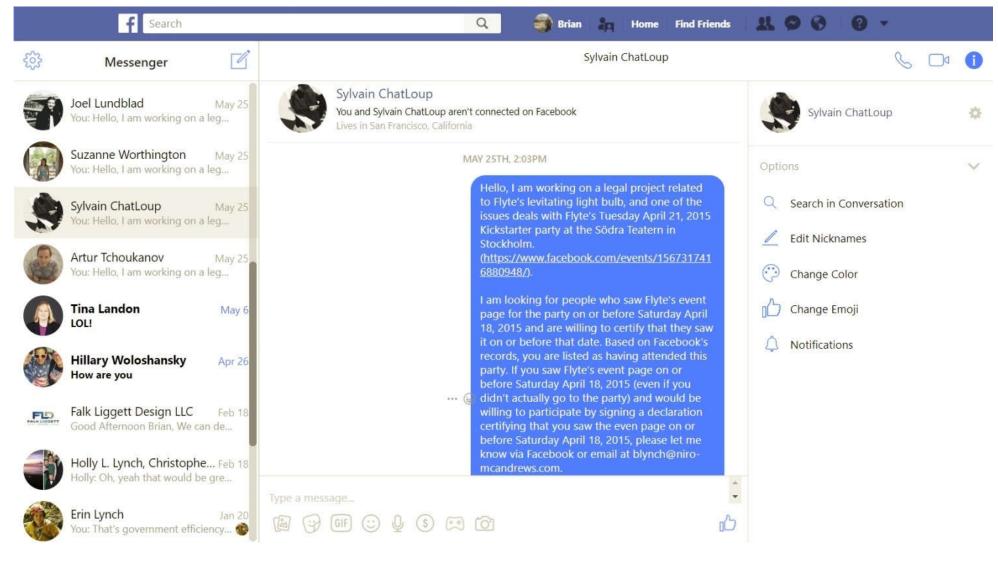
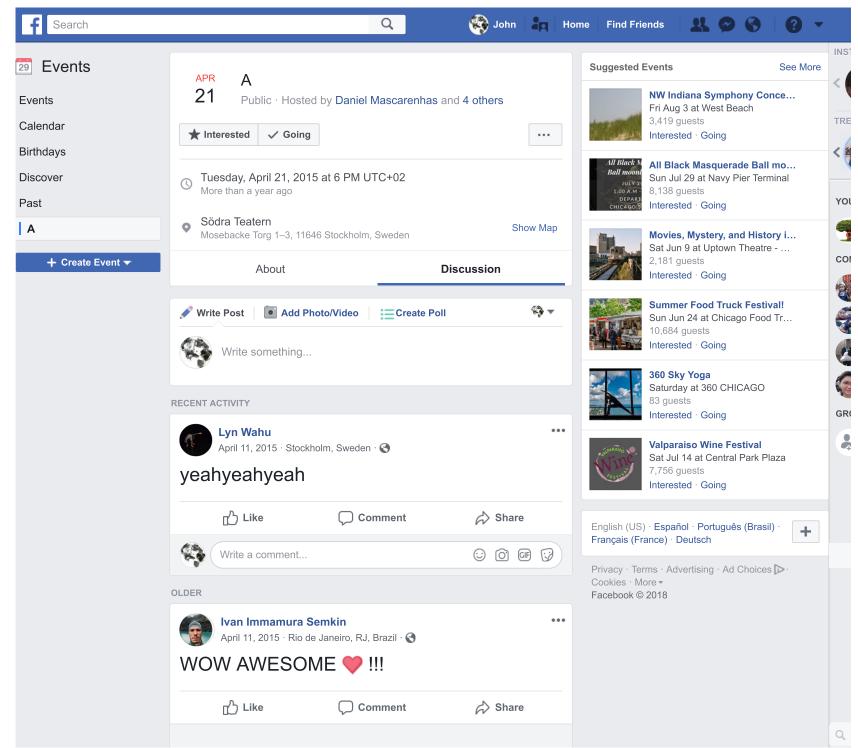


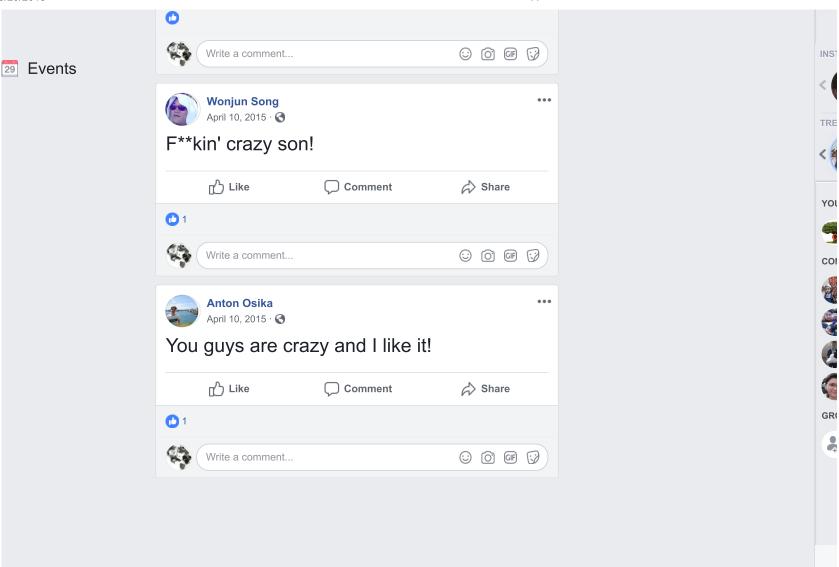
Exhibit 1008

Appendix K

5/29/2018 A



5/29/2018 A



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Exhibit 1008

Appendix L





About



We are a small team of creatives, engineers, designers and artists who met in Sweden. Our goal is to create intelligent and inspiring products with the absolute WOW factor.

With a background in branding, communication and product design, Flyte creates products and experiences that captivate the imagination combining vintage design with innovative techniques.



Simon Morris - Founder / CEO AKA "Magneto"

Simon plays with sound, matter and energy and their relationships with gravity to absolute wow affect. Projects such as Musique, Concrete (an interactive musical skateboard), Nike Air Max 1 Reinvented (a magnetically levitating Nike sneaker) and Invitation au Voyage (a magnetically hovering skateboard) are great examples of his

game. In short Simon has turned floating things in space into a heautiful profession. Simon is

the inventor of Flyte



Daniel Mascarenhas - Co-Founder / CMO

Daniel is a passionate individual that loves to create connected experiences by merging digital technology & physical products. Fast and dirty agile prototyping and testing an idea fast for validation. Daniel worked in the development of a number of products for big companies and also created award-winning work for small brands and self-initiated projects.



Chris Higham - Co-Founder / CPO

Professional cinematographer / product designer, Chris wants to be an astronaut when he grows up. Roaming in space is in the blood. Dig into the roots of Higham's family tree and you'll find family member and famous astronomer Fritz Zwicky; renowned for his insane and spectacular theories like Supernova, Gravitational Lenses and Dark Matter.



Alexander Rotkopf - Sales Manager

Creative multitasker with love for innovation and efficient solutions. Alexander believes in honesty, respect and the power of humor. With a background in Hospitality



Management and Digital Business Development, Alexander is a service-minded tech enthusiast with focus on the "what" and the "how". Impressed by the present, excited about the future and fascinated by the journey.

or mannor. With a background in ricopium,

Inside our Family Culture

We believe in inspiring people and getting inspired. We believe in creating stories and hearing them, imagining the impossible and make it real. We like traveling. We like discovery. We like play.

Kickstarter Flyte - First backer Delivery

Matt, a maker from Amsterdam was the first backer who pushed the green button during our launch on April 21st . As a thank you, we phoned Matt and told him we'll be arriving at his front door with a small surprise.



..

It is in our company culture to take inspirational trips to places where we work isolated from a fast-paced life. Our last trip was in Bali planning and developing new prototypes. Here is a sneak peek into our journey!



ABOUT FAQ RETURNS & REFUNDS BECOME A RESELLER CONTACT PRIVACY POLICY

SIGNUP FOR OUR NEWSLETTERS



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