

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KOITO MANUFACTURING CO., LTD.

Petitioner

v.

LONGHORN AUTOMOTIVE GROUP LLC

Patent Owner

**DECLARATION OF JOHN F. RABENA, ESQ. IN SUPPORT OF
PETITION'S RESPONSE TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

Case No. IPR2025-00955

U.S. Patent No. 8,810,803

I John F. Rabena declare:

1. I am a registered patent attorney duly admitted to practice before the USPTO as well as in Washington D.C., Virginia, and Maryland.
2. On or about August 6, 2025, in an attempt to estimate how many U.S. patents relating to lenses were in force on or around the date that U.S. Patent No. 8,810,803 (“the ‘803 patent) issued (2014), and how many patents were in force when Koito began selling its accused technology in the United States (2007), I conducted the following searches using the USPTO patent databases and received the following results:

Database	Search Terms	Results
USPAT	lens.ti. and @ad>="19940819"<=20140819	22,077
USPAT	lens.ti. and @ad>="19940819"<=20140819 and @pd<="20140819"	18,044
USPAT, US-PGPUB	lens.ti. and @ad>="19940819"<=20140819 and @pd<="20140819"	35,267
USPAT	lens.ti. and @ad>="19871231"<=20071231 and @pd<="20071231"	13,146
USPAT, US-PGPUB	lens.ti. and @ad>="19871231"<=20071231 and @pd<="20071231"	20,141

3. When the '803 patent issued in 2014, there were approximately 18,000 U.S. patents in force that had the word "lens" in the title, and approximately 35,000 issued patents and published applications with the word "lens" in the title.
4. The AIPLA 2023 Report of Economic Survey indicates that in 2018, the average attorney fee charge for an IPR through appeal was \$400,000. The Report did not have data for any years prior to 2018. In 2020 and 2022, the average charge was \$500,000.
5. I either supervised or was directly involved in every aspect of the preparation and filing of the Petition for *Inter Partes* Review in this case. At no point did any customer of Koito or NAL, or any other defendant in the district court litigations listed as Related Matters in the Petition, or any representative thereof, exercise any control or provide any input to the Petition or any other aspect of the IPR. None of the defendants, including Nissan, Mitsubishi and Mazda, requested that the Petition be filed, and none of them directed, controlled or contributed to the Petition financially or otherwise. Neither Nissan, Mitsubishi nor Mazda, nor any of the non-customer defendants, had any role whatsoever in the Petition. Koito and NAL filed the Petition based on their own interests in clearing their products.

6. The Koito products that Longhorn Automotive Group LLC (“LAG”) has accused of infringing its ‘803 patent, have the same structure that was first patented by Koito before the ‘803 patent was filed, in Koito’s U.S. Patent No. 7,736,036 (filed Mar. 16, 2007 with priority to March 29, 2006, and issued on June 15, 2010) (“’036 patent”). EX1007. Koito’s products that include this patented technology were first offered for sale in the U.S. at least by “mid 2007,” which is prior to the earliest priority date of the ‘803 patent (November 12, 2007). EX1017, p. 3; EX1014.
7. Below on the left are photos of an example of one of the products LAG has accused of infringing its ‘803 patent (a headlamp for a Mazda CX-50), by virtue of the fact that it has an LED light source, a single condenser lens, and lens elements on the curved surface of the condenser. As shown on the right from Figs. 2 and 5 of Koito’s ‘036 prior art patent, the ‘036 patent also included an LED light source 14 and a single condenser lens 12 with lens elements 12As and 12Bs on the curved surface of the condenser lens. EX 1007 (‘036 patent), 3:1-4; 8:23-57; Figs. 2 and 5.

I further declare under penalty of perjury and the laws of the United States and the District of Columbia that the foregoing is true and correct.

Respectfully submitted,

/John F. Rabena/

John F. Rabena, Reg. No. 38,584

Sughrue Mion, PLLC

jrabena@sughrue.com

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

Date: AUGUST 30, 2025