UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

C&D ZODIAC, INC.
Petitioner

v.

B/E AEROSPACE, INC.
Patent Owner

Case IPR2014-00727
Patent 8,590,838

DECLARATION OF PAUL SOBOTTA

I, Paul Sobotta, declare as follows:

1. My name is Paul Sobotta, and I reside at 7131 156th Street NW, Stanwood, WA

2. I have prepared this declaration for consideration by the Patent Trial and Appeal Board in the above-referenced proceeding. I have personal knowledge of the facts set forth in this declaration, and I would be competent to testify as to the matters set forth herein if I am called upon to do so.

BACKGROUND

3. I am currently employed as President of Zodiac Northwest Aerospace Technologies, Inc. ("NAT"), a wholly-owned subsidiary of Zodiac Aerospace SA. NAT's home offices are located in Everett, Washington.

4. I received a Bachelor of Science in Mechanical Engineering from the University of Wisconsin.

5. I have over 25 years of experience in the airline interiors industry. In November 1988, I joined Flight Structures, Inc. ("FSI"), a design firm specializing in cabin interior modifications for passenger jets, located in Arlington, Washington. My employment with FSI extended from 1988 until 1997. During my time at FSI, I was employed in several engineering and program management roles.

6. In 1997, I left FSI to found Northwest Aerospace Technologies, Inc. Zodiac

Aerospace acquired NAT in 2012, and I have served as President of NAT since it was acquired by Zodiac.

DEVELOPMENT OF THE KLM CREW REST

7. On or about 1991, FSI was awarded a contract to develop a crew rest for Royal Dutch Airlines, better known as KLM. Specifically, FSI was awarded a contract to develop an overhead crew rest for KLM's 747-400 aircraft. FSI developed the KLM crew rest during 1991 and 1992.

8. I was assigned to be the Project Engineer for the development of the KLM crew rest. As Project Engineer, I supervised the work of other engineers who were assigned to work on the project. One of those other engineers, Robert Papke, was one of the primary designers working on the KLM crew rest, and Mr. Papke performed much of the engineering design and drafting for the project.

9. The KLM crew rest was designed to include overhead berths in the attic space of KLM's 747-400 aircraft for crew members to rest and sleep during lengthy flights.

10. To provide crew member access to the overhead crew rest, FSI designed an entry in front of door 4 (i.e., the fourth door from the front of the aircraft) on the right side of the aircraft. The entry was modeled on a lavatory envelope (i.e., the outer walls forming a lavatory enclosure) and was located at a typical location for a lavatory on a 747-400 aircraft. To provide entry to the overhead crew rest, the

interior of lavatory envelope was modified to include a staircase for accessing the overhead attic space.

11. During development of the crew rest, FSI and KLM met for several design reviews. During one of the design reviews, individuals from the two companies evaluated the crew rest design against KLM's requirements in order to identify issues and problems before proceeding with further development. Participants in the design review included, among others, KLM engineers, FSI engineer Robert Papke, and me.

12. During that design review, KLM determined that the crew rest entry would prevent the seats located immediately forward of the crew rest entry from reclining. Providing seats without recline on the 747-400 was unacceptable for KLM, and re-pitching the seats forward to permit recline would cause a reduction in seating capacity or seat pitch in the passenger cabin. This was also unacceptable to KLM.

13. A KLM engineer provided a solution to the problem. This KLM Engineer shared with FSI designs of coat closets installed on McDonnell Douglas DC-10 aircraft in KLM's fleet that included a recessed forward wall that permitted seats located in front of the closet to be located further aft, while still permitting recline. The KLM engineer recommended providing a sculpture in the forward wall modeled on the DC-10 coat closet recess that would receive the seatback of the

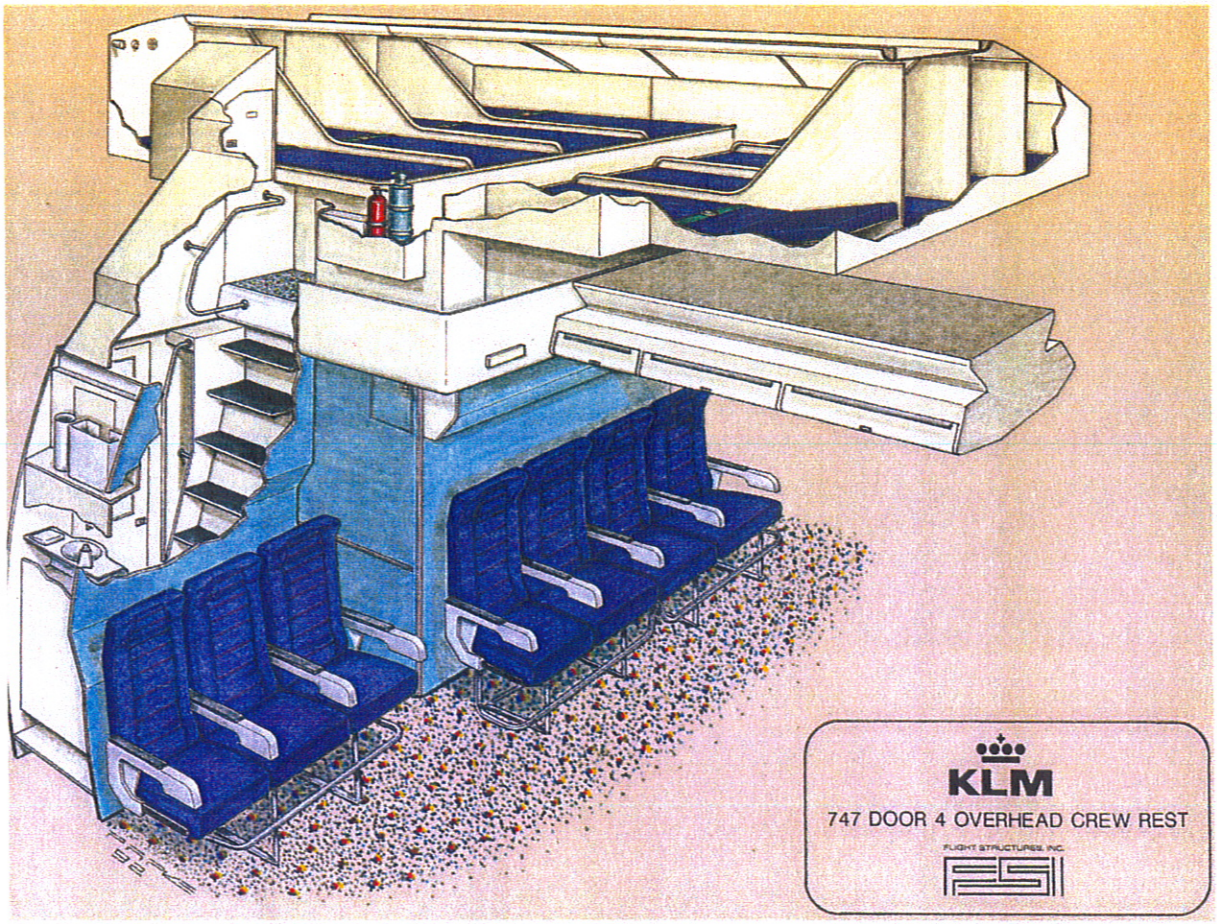
row of seats located in front of the entry enclosure. The recess would permit the last row of seats to be located further aft while still retaining the ability to recline.

14. KLM provided FSI with details of the forward wall of the DC-10 coat closet.

15. Robert Papke completed the redesign over the course of just a few days to include a recessed forward wall emulating the DC-10 coat closet, including modifying the engineering drawings of the interior of the monument to accommodate the recess.

16. At KLM's request, the crew rest entry was provided with amenities including a lavatory sink (and related plumbing), lighting, a mirror, soap dispenser, shaver outlet and amenity stowage.

17. A true and correct copy of a rendering of the KLM crew rest is depicted below and is submitted with this declaration as Exhibit 1012.

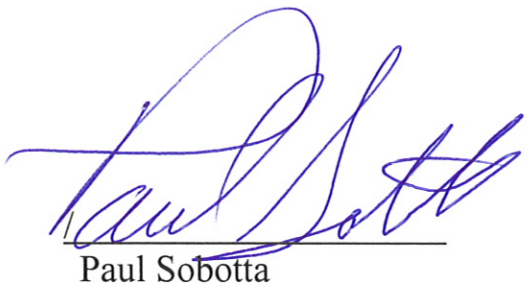


18. The crew rest, including the recessed forward wall, was put into service on or about November 9, 1992. A true and correct copy of a November 7, 1992 newspaper article from *De Telegraaf* describing the crew rest is submitted with this declaration as Exhibit 1013.

19. The crew rest was manufactured in Arlington, Washington before being shipped to and installed by KLM in Amsterdam. The KLM crew rests were installed on KLM's 747-400 fleet of aircraft over the course of about a year and a half. It is my understanding that those crew rests remain in service on those 747-

400 aircraft to the present.

20. I hereby declare under penalty of perjury that the foregoing Declaration is true and correct.



April 2, 2015

Paul Sobotta