

Alan D. Ball, IDSA

Industrial Designer, Inventor, and Design Expert.

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Expert Witness Employment:

- 2018 **Spigen Korea Co., Ltd. v. Modne, Inc., et al.**, Civil Action No. 3:17-cv-00771, United States District Court, Central District Of California.
- Provided expert services to Stradling Yocca Carlson & Rauth, P.C. representing defendant Modne, Inc..
- 2018 **Stephen F. Evans & Roof N Box, Inc., v. Building Materials Corporation Of America**, Civil Action No.: 16-CV-282-GBL-IDD, United States District Court for the Eastern District of Virginia.
- Provided expert services to Fitzpatrick, Cella, Harper & Scinto representing defendant Building Materials Corporation Of America.
- 2017-2018 **Apple Inc., v. Samsung Electronics Co. Ltd., et al**, Case No. 11-CV-01846-LHK, United States District Court Northern District Of California, San Jose Division.
- Provided expert services to WilmerHale and Morrison & Foerster LLP representing Apple Computer. Services included expert report regarding Article of Manufacture, deposition and testimony.
- 2017 **Bridgestone Brands, LLC v. BKT Tires Inc.**, Civil Action No. 3:17-cv-00771, United States District Court, Middle District Of Tennessee, Nashville Division.
- Provided expert services to Covington & Burling LLP representing defendant BKT Tires Inc.
- 2017 **Pono Paani, LLC v. Belkin International, Inc.**, Civil Action No. 1:17-cv-00054-SS, United States District Court, Western District of Texas, Austin Division.
- Provided expert services to Meyertons, Hood, Kivlin, Kowert & Goetzel (MHKKG) representing plaintiff Pono Paani.
- 2016-present **Nike Inc. v. Skechers USA Inc.**, Case No. IPR2017-00621, United States Patent and Trademark Office Before the Patent Trial and Appeal Board.
- Provided expert services to Banner & Witcoff, LTD. representing patent owner Nike.
- 2016 **Snap-On, L.P. v. Harbor Freight**, Case No. 2:16-cv-01265-LA, United States District Court, Eastern District of Wisconsin, Milwaukee Division.
- Provided expert services to Quinn Emanuel Urquhart & Sullivan, LLP representing defendant Harbor Freight. Services include expert declaration opposing injunction and testimony.
- 2015-2018 **Hinrichs v. Beats Electronics, LLC**, Case No. BC 533089, Superior Court of The State of California, County of Los Angeles.

Provided expert services to Morrison & Foerster LLP representing defendant Beats.

2015-2017 **C&A Marketing Inc. v. GoPro Inc.**, Complaint for Patent Infringement of D730,423; Case No. 1:15-cv-7854-RMB-JS, United States District Court, District of New Jersey.

Provided expert services to Morrison & Foerster LLP representing plaintiff C&A Marketing.

2015-2016 **Schluter Systems, L.P. v. Imre Batori and Progress Profiles**, Complaint for Patent Infringement of D706,459; Civ. Act No. 1:15cv144 (CMH/IDD), United States District Court for the Eastern District of Virginia, Alexandria Division.

Provided expert services to Fish & Richardson P.C. (Dallas) representing plaintiff Schluter Systems. Expert services included initial consultation, photography of evidence, production of infringement report and invalidity report, and deposition prep.

2015-2016 **Hamilton Beach, petitioner v. Courtesy Products, patent owner**, Cases IPR2014-01257 and 01258, United States Patent and Trademark Office, before the Patent Trial and Appeal Board.

Provided expert services to Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (Washington DC) representing patent owner Courtesy Products. Expert services included initial consultation and production of declaration.

2014-15 **Caterpillar, Inc., petitioner, V. Miller International, Ltd., patent owner**. Case IPR2015-00416, Patent D673,982 S, United States Patent and Trademark Office, before the Patent Trial and Appeal Board.

Provided expert services to Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (Washington DC) representing petitioner Caterpillar, Inc. Expert services included initial consultation and production of declaration of obviousness. PTAB decision found the patent invalid due as obvious.

2014-2018 **Pass and Seymour, Inc., Opposer, v. Lutron Electronics Co., Inc., Applicant**, Application Nos. 85/298,572,85/298,600, 85/298,606, Mark: Product Configuration for Light Dimmer Switch Opposition Nos. 91208865 (parent),91212529, 91212524. United States Patent and Trademark Office before The Trademark Trial and Appeal Board

Provided expert services to McCarter English representing opposer. Expert services include production of reports, declaration and testimony regarding functionality of wall switch design.

2014-2017 **Dyson, Inc. v. SharkNinja Operating LLC**, Case No. 1:14-cv-00779, United States District Court for the Northern District of Illinois, Eastern Division.

Provided expert services to Jones Day representing defendant Shark Ninja. Expert services include production of declaration and reports regarding design patent invalidity, claim construction and non-infringement.

2014-15 **SkyHawke Technologies, LLC petitioner v. L&H Concepts, LLC patent owner**, Cases IPR2014-00437 & IPR2014-00438, United States Patent and Trademark Office, before the Patent Trial and Appeal Board.

Provided expert services to Fish & Richardson P.C. (Austin) representing US 5,779,566 patent owner L&H Concepts, LLC. Expert services included consultation, production of declaration of non-obviousness, and deposition.

2014 **Sunlight Supply Inc. v. Maverick Sun Inc.**, Complaint for Patent Infringement, Trademark Infringement, Trade Dress Infringement, Unfair Competition, and False Designation of Origin Case No. 2:13-cv-2052, United States District Court Western District of Washington at Seattle.

Provided expert services to Betts Patterson Mines (Seattle) representing defendant Maverick Sun. Expert services included initial consultation, photography of evidence, production of patent invalidity/functionality report and design patent/trade dress non-infringement report.

2013-14 **Nokia Corporation et al. v. HTC Corporation et al.**, In the Matter of Certain Portable Electronic Communication Devices, Including Mobile Phones and Components Thereof, Investigation Number 337-TA-847. United States International Trade Commission, Washington DC, before the Honorable Thomas B. Pender, Administrative Law Judge.

Provided expert services to Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (Washington DC) representing the defendant, HTC. Expert services included initial consultation, preparation and presentation of Technology Tutorial for the ITC, and partial production of Expert Non-Infringement Report.

2013-14 **Ethicon Endo-Surgery, Inc. et al. v. Covidien Inc., et al.**, 11-cv-871 (S.D. Ohio). Served as the expert witness for the plaintiff, Ethicon, concerning alleged infringement of design patents US D661,801; US D661,802; US D661,803; and US D661,804.

Provided expert services to Patterson Belknap Webb & Tyler LLP (NYC) representing plaintiff Ethicon. These design patents claim an ornamental design for a user interface for a surgical instrument. Expert services included production of Expert Infringement Report and Expert Validity Report (rebuttal), Deposition, and Direct Examination preparation.

2012 **Emerson Electric Company v. Anaheim Manufacturing Company**, In the Matter of Certain Food Waste Disposers and Components and Packaging Thereof, Investigation Number 337-TA-838. United States International Trade Commission, Washington DC, before the Honorable Thomas B. Pender, Administrative Law Judge.

Provided expert services to Dechert LLP (Philadelphia) representing defendant Anaheim. Expert services included production of Expert Reports concerning design patent invalidity and non-infringement of design patent and trade dress, Deposition, production of Direct Examination report and Testimony Preparation.

2012 **Samsung Electronics (UK) LTD. v Apple Inc.**, Case No: HC 11 C 03050, In the High Court of Justice, Chancery Division Patents Court.

Provided expert services to Morrison & Foerster LLP (San Francisco) and Freshfields Bruckhaus Deringer, (London) representing Apple computer regarding the alleged infringement of the Samsung Galaxy Tab(s) of Registered Community Design #000181607-001. Expert services included production of Expert reports and 2 days of testimony before the High Court of Justice.

Design Employment:

2002-present Alan Ball Industrial Design, Inc. (A.B.I.D.), Somerville, Massachusetts, President.

- 2006-present Margit Manufacturing Company, Somerville MA, President
- 2011-2013 Respirigames Inc., Somerville MA, Director of Product Development.
- 2000-2002 Ziba Boston LLC, Arlington, Massachusetts, Managing Director.
- 1994-2000 Shinola LLC, Somerville, MA, Founder and President.
- 1992-2000 Altitude Inc., Somerville, Massachusetts, Founder and Principal, Director of Design.
- 1991-1992 Herbst Lazar Bell, Inc., Cambridge, Massachusetts, Freelance Industrial Designer.
- 1988-1991 Design Continuum, Inc., Boston, Massachusetts, Industrial Designer.
- 1987-1988 Group Four Design Inc., Avon, Connecticut, Industrial Designer.

Education:

- 2008 IDSA Expert Witness Certification Seminar, Reston, VA.
- 1981-1987 Syracuse University, Syracuse NY, Bachelors of Industrial Design, Minor in Information Studies, 1987. Magna Cum Laude.

Awards, Honors and Other Activities:

- 2007 DIMe Mexican Design Industry Congress, featured keynote speaker.
- 2005 Best in Category, 2nd Annual HomeWorld Business® Housewares Design Awards, CSC-650 Slow Cooker, Cuisinart Inc.
- 2004 Innovations CES Design and Engineering Showcase Award, PepperPad Handheld Tablet Computer, Pepper Computer Inc.
- 2002 IDSA/BusinessWeek IDEA Gold Award, Xpressa IP Business Telephone, Pingtel Corporation.
- 2000 IDSA/BusinessWeek IDEA Silver Award, DeWalt Worksite Radio/Charger, Black and Decker, Inc.
- 2000 IDSA/BusinessWeek IDEA Silver Award, ID Research Process, PDT 7200 Barcode Scanner Terminal, Symbol Technologies, Inc.
- 1999 IDSA/BusinessWeek IDEA Bronze Award, Brita Cascade Water Filtration Pitcher, the Clorox Company.
- 1998 IDSA/BusinessWeek IDEA Gold Award, P300 Phaser Barcode Scanning Terminal, Symbol Technologies, Inc.
- 1998 IDSA/BusinessWeek IDEA Silver Award, LS2100 Hotshot Retail Barcode Scanner, Symbol Technologies, Inc.
- 1998 IDSA/BusinessWeek IDEA Silver Award, Cyclone Retail Scanner Concept, Symbol Technologies, Inc.
- 1998 IDSA/BusinessWeek IDEA Bronze Award, LeashLight Dog Leash w/integrated flashlight, Black and Decker, Inc.

- 1998 Bronze Bean Award: IDSA Boston Chapter, Award for leadership and contribution to the local design community.
- 1997 IDSA/BusinessWeek IDEA Gold Award, DLL 5010M Laser Barcode Scanner, Symbol Technologies, Inc. and Datalogic S.p.A.
- 1997 IDSA/BusinessWeek IDEA Bronze Award, Snake Light Outdoor Lanterns, Black and Decker, Inc.
- 1997 IDSA/BusinessWeek IDEA Bronze Award, DeWalt 12.0 Volt Flexible Floodlight, Black and Decker, Inc.
- 1997 IDSA NE Regional Conference Serious Fun Syracuse NY. Featured Speaker.
- 1997 Industrie Forum (iF) Seal for Design Excellence, PPT4600 Plato Barcode Scanning Terminal, Symbol Technologies, Inc.
- 1997 Industrie Forum (iF) Seal for Design Excellence, LS4000 Eclipse Retail Barcode Scanner, Symbol Technologies, Inc. and Datalogic S.p.A.
- 1996 IDSA/BusinessWeek IDEA Gold Award, PPT4600 Plato Barcode Scanning Terminal, Symbol Technologies, Inc.
- 1996 IDSA/BusinessWeek IDEA Silver Award, LS4000 Eclipse Retail Barcode Scanner, Symbol Technologies, Inc.
- 1996 IDSA/BusinessWeek IDEA Silver Award, PDT 4000 Zircon Barcode Scanning Terminal, Symbol Technologies, Inc.
- 1987 IDSA Student Merit Award.

US Design Patents (57):

- 2012 D690,992 Beverage Filter Stand, Eternal East (HK) Ltd. (Bonavita).
- 2010 D611,760 Blender, Cuisinart (Conair Corporation).
- 2009 D586,807 Hand-held Computer, Pepper Computer.
- 2008 D561,758 Hand-held Computer, Pepper Computer.
- 2008 D575,578 Slow Cooker, Cuisinart (Conair Corporation).
- 2008 D575,579 Slow Cooker, Cuisinart (Conair Corporation).
- 2008 D559,133 Temperature Probe, Cuisinart (Conair Corporation).
- 2007 D553,427 Food Processor, Cuisinart (Conair Corporation).
- 2006 D521,314 Control knob for toaster, Cuisinart (Conair Corporation).
- 2006 D522,308 Cooker, Cuisinart (Conair Corporation).
- 2006 D529,491 Handheld Computer, Pepper Computer.
- 2006 D530,146 Standmixer, Cuisinart (Conair Corporation).
- 2006 D532,644 Toaster oven, Cuisinart (Conair Corporation).
- 2006 D533,390 Toaster oven, Cuisinart (Conair Corporation).
- 2006 D534,189 Frozen food maker, Cuisinart (Conair Corporation).
- 2006 D534,190 Frozen food maker, Cuisinart (Conair Corporation).

2006	D554,637	Handheld Computer, Pepper Computer.
2005	D510,675	Coffee Urn, Cuisinart (Conair Corporation).
2005	D511,643	Cooker, Cuisinart (Conair Corporation).
2005	D512,058	Hand-held Computer, Pepper Computer.
2005	D507,149	Blender Base, Cuisinart (Conair Corporation).
2004	D492,770	Inhalation device, Glaxo Group Limited.
2004	D492,771	Mouthpiece for an inhalation device, Glaxo Group Limited.
2004	D492,993	Mouthpiece for an inhalation device, Glaxo Group Limited.
2004	D492,994	Mouthpiece for an inhalation device, Glaxo Group Limited.
2004	D493,222	Mouthpiece for an inhalation device, Glaxo Group Limited.
2004	D494,673	Inhalation device, Glaxo Group Limited.
2004	D494,674	Actuator body for an inhalation device, Glaxo Group Limited.
2004	D495,414	Inhalation device, Glaxo Group Limited.
2004	D496,455	Actuator body for an inhalation device, Glaxo Group Limited.
2004	D497,988	Actuator body for an inhalation device, Glaxo Group Limited.
2004	D498,840	Inhalation device, Glaxo Group Limited.
2004	D507,149	Consumer blender base design, Cuisinart (Conair Corporation).
2003	D480,475	Actuator body for an inhalation device, Glaxo Group Limited.
2001	D437,027	Water filter reservoir, The Clorox Company.
2001	D438,524	Telephone base, Pingtel Inc.
2001	D445,627	Coffee maker, Black & Decker Inc.
2001	D445,795	Game controller precision button, Acco Brands, Inc.
2001	D450,687	Scroll wheel for a telephone base, Pingtel Inc.
2001	D451,091	Bezel for a telephone base, Pingtel Inc.
2000	D418,714	Water filtration pitcher, The Clorox Company.
2000	D419,027	Water filtration pitcher, The Clorox Company.
2000	D425,980	Hand-held tissue examination device, Assurance Medical, Inc.
2000	D435,084	Water filter, The Clorox Company.
2000	D445,627	Electric coffee maker housing, Black and Decker.
1999	D408,566	Flexible Flashlight, Black and Decker Inc.
1999	D410,117	Combination light and retractable leash, Black & Decker Inc.
1999	D414,171	Optical Scanner, Symbol Technologies Inc.
1999	D416,247	Game pad for laptop computers, Acco Brands, Inc.
1999	D417,934	Combined mop head with squeegee, Easy Day Manufacturing Company.
1998	D391,250	Ring mounted optical scanner, Symbol Technologies Inc.
1997	D378,295	Binoculars, Essecson Associates, Inc.
1997	D382,359	Miniature Lantern, Black and Decker Inc.

1997	D385,075	Electric Iron, Black and Decker Inc.
1997	D388,076	Optical Scanner, Symbol Technologies Inc.
1996	D370,478	Combined optical scanner and portable terminal, Symbol Technologies Inc.
1996	D372,772	Portable fan, Black and Decker Inc.

U.S. Utility Patents (11)

2008	7,325,413	Ice cream maker & dispenser apparatus, Cuisinart (Conair Corporation).
2007	7,224,345	Pad computer, Pepper Computer.
2000	6,024,054	Combined retractable leash and flashlight, Black & Decker Inc.
2000	6,058,548	Removable cleaning element from mop, Easy Day Manufacturing Company.
2000	6,098,886	Glove-mounted System for reading bar code symbols, Symbol Technologies.
1999	5,950,020	Folding photographic method and apparatus, Polaroid Corporation.
1999	5,979,764	Hand-held electronic apparatus with pivoting display, Symbol Technologies Inc.
1999	6,003,187	Combination mop and wiper, Easy Day Manufacturing Company.
1999	6,003,472	Combined retractable leash and flashlight, Black & Decker Inc.
1998	5,763,865	Bar code reader terminal module, Symbol Technologies Inc.
1997	5,610,386	Portable optical scanning system, Symbol Technologies Inc.

Professional Affiliations:

1983-present	Member Industrial Designs Society of America (IDSA).
2004-present	Member, Design Management Institute (DMI).
1994-present	Member, American Institute of Graphic Artists (AIGA).
2004- 2008	Member, Toastmasters International.
1994-1999	Member Color Marketing Group (CMG).