IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02640-REB

WYERS PRODUCTS GROUP, INC. a Colorado corporation,

Plaintiff,

v.

CEQUENT PERFORMANCE PRODUCTS, INC.,

Defendant.

DECLARATION OF PHILIP W. WYERS

I, Philip W. Wyers, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury under the laws of the United States of America the following:

1. I make the following statements based on my personal knowledge.

2. I am the President and founder of Wyers Products Group, Inc. ("Wyers Products"), the named plaintiff in the above-captioned action.

3. I founded Wyers Products in 1989. Since founding the company, I have served as its President.

4. Inventing products to be manufactured and sold by Wyers Products has always been a key aspect of my job duties as President. Specifically, since 1989, I have had the primary inventor role within Wyers Products. I was hired by Wyers Products to invent and inventing continues to be a specifically designated part of my job duties.

EXHIBIT 1

5. I have invented myriad products during my employment with Wyers Products. As an inventor for Wyers Products, I have invented devices and methods that have matured into more than twenty United States patents.

6. These inventions include towing security products, such as the patented devices at issue in this lawsuit, tow hitches and tow balls, bicycle security products, specialty locks, and even an insect catching device.

7. Today, based on my inventions, Wyers Products is an industry leader in towing security with a reputation for manufacturing and selling the world's toughest locks.

8. I am the inventor of the patents-in-suit, U.S. Patent No. 6,672,115 B2 ("the '115 patent"), and U.S. Patent No. 7,121,121 B2 ("the '121 patent"). I conceived these inventions during my employment and as part of my job duties for Wyers Products, with the understanding that Wyers Products would be the beneficiary of the inventions.

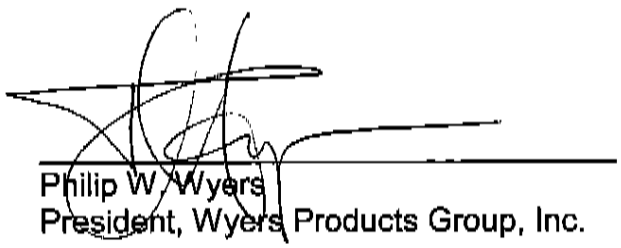
9. Wyers Products has the exclusive right to manufacture and distribute products embodying the inventions disclosed in the '115 and '121 patents.

10. Neither I nor Wyers Products have ever licensed to any other party the rights to manufacture or distribute products embodying the inventions disclosed in the '115 and '121 patent. Although Wyers Products does sell such products to other companies within the towing industry, Wyers Products always manufactures and controls the distribution of such products. Under such arrangements, Wyers Products simply allows other companies to re-sell products under their own private label for an agreed upon price.

11. In prior intellectual property disputes I have jointly enforced patent rights with Wyers Products. In this case I intend to take the same approach. I have intended to be a plaintiff alongside my company from the outset of this litigation and voluntarily will join the lawsuit as a plaintiff now to the extent that I am not already a party.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 15 day of February, 2013.



Philip W. Wyers
President, Wyers Products Group, Inc.