

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ARENDI S.A.R.L.,)	
)	
Plaintiff,)	
)	C.A. No. 12-1601-LPS
v.)	
)	JURY TRIAL DEMANDED
MOTOROLA MOBILITY LLC F/K/A)	
MOTOROLA MOBILITY, INC.,)	PUBLIC VERSION
)	
Defendant.)	
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ARENDI S.A.R.L.,)	
)	
Plaintiff,)	C.A. No. 13-919-LPS
)	
v.)	JURY TRIAL DEMANDED
)	
GOOGLE LLC,)	PUBLIC VERSION
)	
Defendant.)	

**DECLARATION OF ROBERT UNIKEL IN SUPPORT OF DEFENDANTS’
OPPOSITION TO ARENDI’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

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I, Robert Unikel, declare as follows:

1. I am an attorney at Paul Hastings LLP, counsel for Google LLC in this matter. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. Attached as **Exhibit 1** is a true and correct copy of the Petition for IPR of the '843 patent, dated December 2, 2013.
3. Attached as **Exhibit 2** is a true and correct copy of Defendants’ Joint Invalidation Contentions, dated January 17, 2014.
4. Attached as **Exhibit 3** is a true and correct copy of the PTAB Decision instituting IPR of the '843 patent, dated June 11, 2014.

5. Attached as **Exhibit 4** is a true and correct copy of Defendants' Joint Amended Invalidation Contentions, dated March 27, 2019.
6. Attached as **Exhibit 5** is a true and correct copy of an email from John Lahad to Counsel for Defendants, dated April 29, 2019.
7. Attached as **Exhibit 6** is a true and correct copy of an email from John Lahad to counsel for Defendants, dated May 29, 2019.
8. Attached as **Exhibit 7** is a true and correct copy of an email from Robert Unikel to John Lahad and Arendi's counsel, dated June 7, 2019.
9. I subsequently discussed the issue of IPR estoppel with Arendi's counsel by phone in June 2019. During this discussion, I confirmed that Defendants were relying on the prior art systems asserted in their invalidity contentions.
10. Following our last discussion about IPR estoppel in June 2019, Arendi and its counsel did not further pursue the IPR estoppel issue for any of Defendants' asserted prior art, did not move to strike any portion of Defendants' invalidity contentions, did not raise IPR estoppel during fact discovery, did not object to Dr. Edward Fox's invalidity reports on grounds of IPR estoppel or question him on the topic at deposition, and did not otherwise mention IPR estoppel until Arendi filed its pending motion for partial summary judgment on March 5, 2021. Arendi's validity expert, Dr. Earl Sacerdoti, also did not mention IPR estoppel in his rebuttal report on patent validity.
11. Defendants and Dr. Fox prepared their discovery and expert reports based on Arendi's failure to raise or pursue IPR estoppel after June 2019, under the belief that Arendi had dropped the issue.

12. During discovery, Defendants served subpoenas on the Georgia Institute of Technology and Anind Dey to obtain operational versions or samples of the CyberDesk System asserted as prior art by Defendants. However, no working version of CyberDesk could be found.
13. Attached as **Exhibit 8** is a true and correct copy of the Expert Report of Edward Fox, Ph.D. on the Invalidity of U.S. Patent No. 7,917,843, dated August 7, 2020.
14. Attached as **Exhibit 9** is a true and correct copy of the Expert Report of Dr. Earl Sacerdoti Regarding Validity of U.S. Patent No. 7,917,843, dated October 20, 2020.
15. Attached as **Exhibit 10** is a true and correct copy of the Reply Expert Report of Edward Fox, Ph.D. on the Invalidity of U.S. Patent No. 7,917,843, dated December 4, 2020.
16. Attached as **Exhibit 11** is a true and correct copy of excerpts from the transcript of the January 15, 2021 deposition of Dr. Edward Fox.
17. Attached as **Exhibit 12** is a true and correct copy of Arendi's Responses and Objections to Defendants' First Set of Common Requests for Admission to Arendi S.A.R.L., dated November 5, 2019
18. Attached as **Exhibit 13** is a true and correct copy of Google LLC's and Motorola Mobility LLC's Subpoenas to Apple, Inc. and attached Exhibit A, dated August 27, 2019.
19. Attached as **Exhibit 14** is a true and correct copy of Third Party Apple, Inc.'s Responses and Objections to Google LLC's and Motorola LLC's Subpoenas, dated September 16, 2019.
20. Attached as **Exhibit 15** is a true and correct copy of Google LLC's Second Amended Initial Disclosures Pursuant to Fed. R. Civ. P. 26(A)(1), dated October 28, 2019.
21. Attached as **Exhibit 16** is a true and correct copy of Motorola Mobility LLC's Second

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