

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC. ET AL.

Petitioner

v.

Patent of VERSATA DEVELOPMENT GROUP, INC.

Patent Owner

Case CBM2012-00001

Patent 6,553,350

**DECLARATION OF SCOTT L. COLE IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE***

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Scott L. Cole, declare as follows:

1. I am a member in good standing of the Bar of the State of Texas and am admitted to practice in the United States District Court for the Eastern, Western, and Northern Districts of Texas, the Court of Appeals for the Fifth Circuit, and the Court of Appeals for the Federal Circuit. I have been in private practice since 1994 and have been litigating patent cases since 2004.

2. I have never been suspended or disbarred from practice before any court or administrative body.

3. I have never had a court or administrative body deny my application for admission to practice.

4. No sanctions or contempt citations have ever been imposed against me by any court or administrative body.

5. I have read and will comply with Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R.

6. I agree to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

7. In the past three (3) years, I have not appeared *pro hac vice* in any proceedings before the United States Patent and Trademark Office.

8. I am familiar with the subject matter at issue in this proceeding. I am lead counsel in the *Versata v. SAP* patent infringement litigation (Civil Action No. 07-cv-00153), which involved the same patent at issue in this proceeding.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of U.S. Patent No. 6,553,350.

Date: October 24, 2012

By: /s/ Scott L. Cole
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