

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

SMARTFLASH LLC,  
Patent Owner.

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Case CBM2015-00016  
Patent 8,033,458 B2

**DECLARATION OF MICHAEL P. DUFFEY IN SUPPORT OF  
PETITIONER APPLE INC.'S OPPOSITION TO PATENT OWNER'S  
MOTION TO EXCLUDE UNDER 37 C.F.R. § 42.64(c)**

I, Michael P. Duffey, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a Litigation Paralegal Specialist at the law firm of Ropes & Gray LLP.

2. I provide this Declaration in connection with the above-identified Covered Business Method Patent Review proceeding and Petitioner Apple Inc.'s Opposition to Patent Owner's Motion to Exclude Under 37 C.F.R. § 42.64(c).

Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Exhibit 1234 hereto is an excerpt of a true and correct copy of the Transcript of Trial from the Morning Session on February 19, 2015, filed in *Smartflash LLC, et al. v. Apple Inc.*, Civil Action No. 6:13-cv-447 before the District Court of the Eastern District of Texas, which I received on February 19, 2015 from Shea Sloan, Court Reporter. An exhibit label on the first page and page numbers on all pages have been added to the bottom of this document but no other alterations have been made.

4. I have been informed that willfully false statements are punishable by fine or imprisonment, or both. I make this declaration of my own personal knowledge, and all statements are true. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

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

Executed this 15th day of October, 2015, at East Palo Alto, CA.



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Michael P. Duffey