UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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STARBUCKS CORPORATION,
Petitioner,

v.

AMERANTH, INC.,
Patent Owner.

_____

Case CBM2015-00099
Patent 6,871,325

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**AFFIDAVIT OF MATTHEW C. BERNSTEIN IN SUPPORT OF
PETITIONER STARBUCKS CORPORATION'S MOTION FOR *PRO HAC
VICE* ADMISSION UNDER 37 C.F.R. §42.10(c)**

I, Matthew C. Bernstein, being duly sworn and upon oath, hereby apply to appear *pro hac vice* before the Office in *covered business method* review proceedings under PTAB Case Nos. CBM2015-00091 on U.S. Patent No. 6,384,850 and CBM2015-00099 on U.S. Patent No. 6,871,325 and hereby attest to the following:

1. I am a member in good standing of the state Bar of California, the Southern, Central, and Northern Districts of California, the Eastern District of Texas, as well as the United States Court of Appeals for the Federal Circuit.

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

3. I have never had an application for admission to practice before any court or administrative body denied.

4. No sanction or contempt citation has been imposed against me by any court or administrative body.

5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. Part 42.

6. I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.P.R. § 11.19(a).

7. I have applied, and have been admitted by the Office, to appear *pro hac vice* before the Office in the last three (3) years. I am applying to appear before the PTAB in the in the following PTAB proceedings:

    i.  *HTC Corporation et al. v. Advanced Audio Devices, LLC*
        Cases:      IPR2014-01154 (Patent 6,587,403 B1)
                    IPR2014-01155 (Patent 7,289,393 B2)
                    IPR2014-01156 (Patent 7,817,502 B2)
                    IPR2014-01157 (Patent 7,933,171 B2)
                    IPR2014-01158 (Patent 8,400,888 B2)

    ii. *HTC Corporation et al. v. NFC Technology, LLC*
        Cases:      IPR2014-01198 (Patent 6,700,551 B2)
                    IPR2014-01199 (Patent 7,665,664 B2)
                    IPR2015-00384 (Patent 7,665,664 B2)

    iii. *Starbucks Corporation v. Ameranth, Inc.*
        Cases:      CBM2015-00091 (Patent 6,384,850)
                    CBM2015-00099 (Patent 6,871,325)

8. I am an experienced litigation attorney with more than 16 years of experience representing clients in patent cases involving computer hardware and software, semiconductors, Internet and e-commerce, hand held computers, and other mobile devices. I regularly litigate patent cases in various forums including United States Court of Appeals for the Federal Circuit, various federal district courts, and the International Trade Commission. Through my experience in patent litigation matters, I have represented clients in many phases of litigation including discovery,

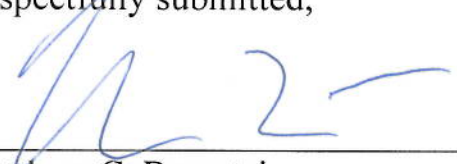Markman hearings, jury trials, and appeals. My biography is attached hereto as Exhibit A.

9. On May 6, 2013, Patent Owner filed a lawsuit alleging that Petitioner Starbucks Corporation and other entities infringe several patents, including U.S. Patent No. 6,384,850 and 6,871,325, in *Ameranth, Inc.* v. *Starbucks Corp.*, Case No. 3-13-cv-01072 filed in the Southern District of California and consolidated with *Ameranth, Inc. v. Pizza Hut, Inc. et al*, Case No. 3-11-cv-01810. That litigation led to the *covered business method* review proceedings under PTAB Case Nos. CBM2015-00091 and CBM2015-00099.

10. I am lead counsel for Petitioner Starbucks Corporation in the above litigation in which I oversee and handle all phases of the litigation from discovery through trial, and will continue to be involved in the case as lead counsel. I am familiar with the technologies and issued claims in the 850 and 325 Patents in the above litigation. I am familiar with the prior art references cited in PTAB Case Nos. CBM2015-00091 and CBM2015-00099 and the associated invalidity grounds before the PTAB.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements were 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 the Title 18 of the United States Code.

Respectfully submitted,

Dated: 4/19/15

Matthew C. Bernstein
Perkins Coie LLP
11988 El Camino Real, Suite 350
San Diego, CA 92130

Sworn to and subscribed before me,
this 19th _____ day of April, 2015.

Notary Public
My Commission Expires:

J. MICHELLE BAXTER
Commission # 1942057
Notary Public - California
San Diego County
My Comm. Expires Jun 24, 2015

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