

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

SMARTFLASH LLC,

Patent Owner.

Case CBM2015-00119

Patent 8,033,458

**DECLARATION OF EMILY E. TOOHEY
IN SUPPORT OF PATENT OWNER'S PRELIMINARY RESPONSE**

Smartflash - Exhibit 2061
Apple v. Smartflash

I, Emily E. Toohey, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a Litigation Paralegal at the law firm of Davidson Berquist Jackson & Gowdey, LLP.
2. I provide this Declaration in connection with Patent Owner's Preliminary Response in the above-identified Covered Business Method Patent Review.
3. Exhibit 2058 is a true and correct copy of a Memorandum Opinion and Order (on Defendants' Motions for Stay Pending the Outcome CBMs) from *Smartflash LLC et al. v. Apple, Inc., et al.*, Case No. 6:13-CV-447 (E.D. Tex.), *Smartflash LLC et al. v. Samsung Electronics Co. Ltd, et al.*, Case No. 6:13-CV-448 (E.D. Tex.), *Smartflash LLC et al. v. Google, Inc., et al.*, Case No. 6:14-CV-435 (E.D. Tex.), and *Smartflash LLC et al. v. Amazon, Inc., et al.*, Case No. 6:14-CV-992 (E.D. Tex.) dated May 29, 2015 that I downloaded from PACER on June 1, 2015. An exhibit label on the first page has been added to the bottom of the Memorandum Opinion and Order but no other alterations have been made.
4. I make this declaration of my own personal knowledge. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

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

Executed this 1st day of June, 2015, at McLean, Virginia.



Emily E. Toohy