

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,

Petitioner,

v.

SMARTFLASH LLC,

Patent Owner.

Case CBM2015-00123

Patent 8,033,458

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

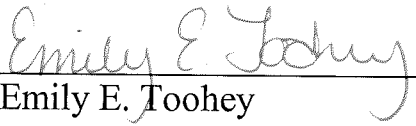
Smartflash - Exhibit 2109
Apple v. Smartflash
CBM2015-00123

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 Response in the above-identified Covered Business Method Patent Review. Unless otherwise stated, the facts set forth in this declaration are based on my personal knowledge.
3. Exhibit 2105 is a true and correct copy of the Transcript of Deposition of Justin Douglas Tygar, Ph.D. dated January 19, 2016 taken in CBM2015-00126 and -00129. An exhibit label and page numbers have been added to the bottom of the Transcript but no other alterations have been made.
4. Exhibit 2108 is a true and correct copy of the Transcript of Deposition of John P. J. Kelly, PhD. Dated February 3-4, 2016 taken in CBM2015-00121, -00123, -00124, -00127, -00130, 00131, and -00133. An exhibit label and page numbers have been added to the bottom of the Transcript but no other alterations have been made.
5. 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.

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

Executed this 17th day of February, 2016, at McLean, Virginia.


Emily E. Toohy