

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**APPLE INC., SAMSUNG ELECTRONICS LTD. and SAMSUNG  
ELECTRONICS AMERICA, INC., and GOOGLE, INC.**

Petitioners,

v.

**SMARTFLASH LLC**

Patent Owner.

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Case CBM2015-00132  
Case CBM2015-00031  
Case CBM2015-00032  
Case CBM2015-00133<sup>1</sup>  
Patent No. 8,336,772 B2

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**DECLARATION OF MELISSA J. BAILY IN SUPPORT OF MOTION FOR  
PRO HAC VICE ADMISSION**

I, Melissa J. Baily, being duly sworn and under oath, state and declare as follows:

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<sup>1</sup> Google challenged claims 1, 5, 9, 10, 14, 21, and 22 of U.S. Patent No. 8,336,772 in CBM2015-00132. Google's challenge to claims 1, 5, and 10 was consolidated with CBM2015-00031. CBM2015-00132, Pap. 15. Google's challenge to claims 14 and 22 was consolidated with CBM2015-00032. *Id.* Google's challenge to claims 9 and 21 was consolidated with CBM2015-00133. *Id.* Identical motions for *pro hac vice* admission and supporting declarations are being filed in CBM2015-00031, CBM2015-00032, CBM2015-00132, and CBM2015-00133.

1. I am a member in good standing of the State Bar of California and of the State Bar of New York.
2. I have never been suspended or disbarred from practice by any court or administrative body.
3. I have never been denied an application for admission to practice before any court or administrative body.
4. I have never been sanctioned or had contempt citations 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 part 42 of 37 C.F.R.
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.F.R. § 11.19(a).
7. I have not applied to appear *pro hac vice* before the Office in the last three (3) years.
8. I am an experienced litigation attorney and have been practicing law since 2001. My practice focuses on intellectual property litigation, and I have litigated patent infringement cases in district courts throughout the country. I have participated in all stages of district court proceedings in patent cases, including *Markman* hearings, trials, and other patent-related hearings and proceedings concerning patent validity and infringement issues. I was named one of the top

intellectual property lawyers in the country under the age of 40 by *Law360* in 2014.

9. I have experience and am familiar with U.S. Patent No. 7,336,772 (“the ’772 patent”) and the issues involved in this proceeding. I am counsel for Google in the currently stayed district court proceeding where Smartflash accuses Google of infringement of U.S. Patent Nos. 7,334,720; 7,942,317; 8,033,458; 8,061,598; 8,336,772; and 8,794,516. (*Smartflash LLC v. Google Inc.*, E.D. Tex. No. 6:14-cv-435.) I also represent Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., HTC Corporation, and HTC America, Inc. in currently stayed district court litigation where Smartflash asserts infringement of U.S. Patent Nos. 7,334,720; 7,942,317; 8,033,458; 8,061,598; and 8,336,772. (*Smartflash LLC v. Samsung Elecs. Co., Ltd., et al.*, E.D. Tex. No. 6:13-cv-448.) As counsel in those district court proceedings, I have been involved in all aspects of the defense, including with respect to issues regarding the invalidity of the ’772 patent.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 23, 2015, at San Francisco, California.

*/Melissa J. Baily/*  
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Melissa J. Baily