

Filed on behalf of Patent Owner Network-1 Security Solutions, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVAYA INC.
Petitioner

v.

NETWORK-1 SECURITY SOLUTIONS, INC.
Patent Owner

Case IPR2013-00071
Patent 6,218,930

Administrative Patent Judges Jameson Lee, Joni Y. Chang and Justin T. Arbes

**DECLARATION OF MR. GREG DOVEL
IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION**

I, Greg Dovel, declare as follows:

Counsel is an experienced litigating attorney

1. I am co-founder of Dovel & Luner and am head of the firm's trial practice. I have been a litigation attorney for 24 years – since 1988. I have represented a wide range of clients in business litigation matters and have focused on patent litigation since 2000. I first-chaired numerous jury and bench trials to verdict. I graduated Harvard Law School (J.D. 1986, *Magna Cum Laude*), and then served as law clerk to Ninth Circuit Judge J. Clifford Wallace. I then clerked for Chief Justice Warren E. Burger and Associate Justice Antonin Scalia of the United States Supreme Court. I was a litigation associate and then partner at Kaye, Scholer, Fierman, Hayes & Handler in Los Angeles, before leaving to form my own firm in 1995.
2. I have been primarily litigating patent cases since 2000. I have been lead counsel on over 30 patent cases. I litigated a number of them through trial and have conducted oral arguments on 6 patent cases before the Federal Circuit.

Familiarity with the subject matter at issue in the proceeding [U.S. Patent 6,218,930]:

5. I am familiar with the subject matter at issue in this proceeding, specifically the U.S. Patent 6,218,930 (the “930 Patent”). My familiarity with the ‘930 Patent is based on the following.
6. I am lead counsel in the following litigation in which the ‘930 Patent is asserted against various manufactures of Power-Over-Ethernet equipment: *Network-1 Security Solutions, Inc. v. Alcatel-Lucent USA Inc.*, Case No. 6:11 cv 492 (“Alcatel Litigation”). The Alcatel Litigation has been pending in the United States District Court for the Eastern District of Texas Tyler Division since September 2011.
7. In addition, I was lead counsel in the following litigation in which the ‘930 Patent was also asserted against various manufacturers of Power-Over-Ethernet equipment: *Network-1 Security Solutions, Inc. v. Cisco Systems, Inc.* (“Cisco Litigation”). The Cisco Litigation was pending in the United States District Court for the Eastern District of Texas Tyler Division from February 2008 through July 2010. My work on the Cisco Litigation included:

- (a) conducting the *Markman* hearing in which the claim terms of the '930 Patent were construed;
- (b) deposing the Defendant's technical expert relating to the validity of the '930 Patent; and
- (c) trying the Cisco Litigation to a jury, including opening statement, direct examination of Network-1's technical expert and cross-examination of the Defendants' technical expert.

The Cisco litigation settled after the fourth day of jury trial.

General Requirements

- 8. I am a member in good standing of the Bar of the State of California and am admitted to practice before the United States Supreme Court, United States Courts of Appeals for the Ninth Circuit and the Federal Circuit, and six federal District Courts.
- 9. I have never been suspended, disbarred, sanctioned or cited for contempt by any court or administrative body.
- 10. I have never had a court or administrative body deny my application for admission to practice.

11. I have never had sanctions or contempt citations imposed on me by any court or administrative body.
12. I have read and will comply with Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R. § § 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
13. I agree to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. § § 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
14. In the past three (3) years, I have not appeared *pro hac vice* in any proceedings before the United States Patent and Trademark Office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are 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 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of U.S. Patent No. 6,218,930.

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