

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RICOH AMERICAS CORPORATION and XEROX CORPORATION
Petitioners

v.

MPHJ TECHNOLOGY INVESTMENTS, LLC
Patent Owner

Case IPR2013-00302
Patent 7,986,426

**AFFIDAVIT OF H. KEETO SABHARWAL
IN SUPPORT OF *PRO HAC VICE* ADMISSION**

RIC 1012
Ricoh v. MPHJ
IPR2013-00302

1. I, H. Keeto Sabharwal, am more than twenty-one years of age, am competent to present this affidavit, and have personal knowledge of the facts set forth herein.

2. This affidavit is given in support of the Petitioners Ricoh Americas Corporation and Xerox Corporation's Motion for *Pro Hac Vice* Admission.

3. I am a Director at the law firm Sterne, Kessler, Goldstein and Fox P.L.L.C.

4. I have been a litigating attorney for more than 19 years. I have been litigating patent cases during that entire time period.

5. I am a member in good standing of the State Bar of New York and the Bar of the District of Columbia. I have never been suspended or disbarred from practice before any court or administrative body.

6. I have never been ultimately denied admission to practice before any court or administrative body. I was temporarily denied *pro hac vice* admission without prejudice by the PTAB in Cases IPR2012-00022 and IPR2013-00250 for failure to fully articulate my familiarity with the subject matter at issue in the proceedings (where I was not serving as lead trial counsel in the corresponding

litigation).¹ After providing additional detail showing that I was familiar with the subject matter at issue in those proceedings, I was ultimately admitted *pro hac vice* in both cases. *See* Case IPR2012-00022, Paper 53; Case IPR2013-00250, Paper 21.

7. No court or administrative body has ever imposed sanctions or contempt citations on me.

8. 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 the C.F.R.

9. I understand that I will be subject to the USPTO 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).

10. I have applied to appear *pro hac vice* in four other proceedings before the Office in the last three years. I was admitted *pro hac vice* in all four proceedings: Case IPR2012-00022, Paper 53; Case IPR2013-00012, Paper 36; Case IPR2013-00015, Paper 24; and Case IPR2013-00250, Paper 21.

¹ Case IPR2012-00022 and Case IPR2013-00250 were parallel cases concerning a single patent at issue. The cases were later joined by the PTAB in a single proceeding. *See* Case IPR2012-00022, Paper 104.

11. I have established familiarity with the subject matter at issue in this proceeding. I have read and understand the pleadings submitted by Ricoh Americas and Xerox in this proceeding. Through my nearly 20 years of patent litigation experience, I am very familiar with anticipation and obviousness, the legal theories advanced in this case.

12. I have reviewed in detail U.S. Patent No. 7,986,426 (“’426 Patent”), and the Board’s decision to institute *inter partes* review of the ’426 Patent (Case IPR2013-00302, Paper 8). I have also reviewed documents from other proceedings concerning the ’426 Patent, including the now-terminated district court litigation between Engineering & Inspection Services, LLC v. IntPar, LLC *et al.*, the ongoing litigation filed by the Vermont Attorney General against MPHJ Technologies Investments, LLC (“MPHJ”), the Assurance of Discontinuance between the Minnesota Attorney General and MPHJ, and the Assurance of Discontinuance between the New York Attorney General and MPHJ.

13. I have engaged in hours of strategic and substantive discussions regarding this proceeding with Michael D. Specht, who is the lead counsel for Ricoh Americas Corporation and Xerox Corporation in this proceeding.

14. I am the primary counsel to Ricoh Americas Corporation and Xerox Corporation with respect to this dispute and controversy, and serve as the principle advisor to them for this matter.

15. In my 19 years of litigation experience, I have litigated many patent cases in the fields of electrical engineering and computer science, involving complex technologies in the consumer & business electronics industry. For example, I have litigated or am currently litigating cases involving: telecommunications technology, telecommunications expense management software, Power over Ethernet technology, Radio-frequency Identification (“RFID”) devices, touch screen technology, and mobile computing.

16. Through my many years of litigating patent cases in the fields of electrical engineering and computer science, I am familiar with network scanning technology, which is the predominant technology in this proceeding.

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