

DECLARATION OF THOMAS R. MAKIN

I, Thomas R. Makin, declare as follows:

1. I am a member in good standing of the Bar of New York, as well as the following Federal Courts:

United States District Court for the Eastern District of New York
United States District Court for the Southern District of New York
United States Court of Appeals for the Federal Circuit

2. I have not been suspended or disbarred from practice before any court or administrative body.

3. I have not been denied admission to practice before any court or administrative body.

4. I have never been sanctioned or cited for contempt 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 the C.F.R.

6. I will be subject to the United States Patent and Trademark Office Code of Professional Responsibility 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 years, although I am simultaneously applying to appear *pro hac vice* in the following *Inter Partes* review trials: IPR2013-00412, IPR2013-00413, IPR2013-00414, IPR2013-

00415, IPR2013-00416, IPR2013-00419, IPR2013-00420, IPR2013-00421, IPR2013-00422, IPR2013-00423, and IPR2013-00424.

8. I have an established familiarity with the subject matter at issue in the proceeding, having represented Petitioner as a defendant in the related proceeding *American Vehicular Sciences LLC v. Toyota Motor Corp. et al.*, No. 6:12-CV-405 (E.D. Tex.). In this related proceeding, Patent Owner has asserted U.S. Patent No. 8,036,788 against Petitioner. My experience, representing Petitioner in the related proceeding over the same patent against the same Patent Owner, provides me with an established familiarity with the subject matter at issue in the current proceeding.

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code.

Dated: July 18, 2013



Thomas R. Makin
Back-Up Counsel for Petitioner
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: 212-425-7200
Fax: 212-425-5288
Email: tmakin@kenyon.com