

AFFIDAVIT OF VICTOR G. HARDY IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION

I, Victor G. Hardy, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the Bar of the State of Texas, Bar of the State of New York, U.S. District Court for the Southern District of New York, Eastern District of New York, and Southern District of Texas.
2. I have not been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. No sanction or contempt citation has been imposed against me by any court or administrative body.
5. I have read and will comply with the United States Patent and Trademark Office (“Office”) Patent Trial Practice Guide and the Patent Trial and Appeal Board (“Board”) Rules of Practice for Trials set forth in part 42 of 37 C.F.R.
6. I agree to be subject to the Office’s 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). I also agree to be subject to the Office’s Rules of Professional Conduct

EXHIBIT 2009

Facebook, Inc. et al.

as set forth in Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013) (effective May 3, 2013).

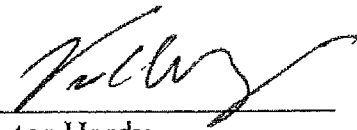
7. I have not applied to appear *pro hac vice* before the Office in any other proceeding in the last three (3) years.

8. I am an experienced litigation attorney, with experience with complex litigation in both state and federal court. I am familiar with the subject matter at issue in this proceeding, including the prior art on which the Petitioners rely and U.S. Patent Nos. 5,544,352 (“the ‘352 Patent”), 5,832,494 (“the ‘494 Patent”), and 6,233,571 (“the ‘571 Patent”). I have also reviewed the pertinent issues of claim construction that have been briefed in this proceeding.

9. I represent Patent Owner Software Rights Archive, LLC in the civil actions *Software Rights Archive, LLC v. Facebook, Inc.*, No. 5:12-cv-03970 RMW (N.D. Cal. 2012); *Software Rights Archive, LLC v. LinkedIn Corp.*, No. 5:12-cv-03971 RMW (N.D. Cal. 2012); and *Software Rights Archive, LLC v. Twitter, Inc.*, No. 5:12-cv-03972 RMW (N.D. Cal. 2012) in which the ‘352, ‘494, and ‘571 Patents have been asserted. I also represented Patent Owner Software Rights Archive, LLC in the prior civil action *Software Rights Archive, LLC v. Google, Inc. et al.*, No. 2:07-cv-511 CE (E.D. Tex. 2007) over the same patents.

10. 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 the '352, '494, and '571 Patents.

Date: February 5, 2014



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