

Filed on behalf of: Black Hills Media, LLC
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAMAHA CORPORATION OF AMERICA
Petitioner

v.

BLACK HILLS MEDIA, LLC
Patent Owner

Case No. IPR2013-00594
U.S. Patent 8,050,652

***Declaration of Thomas Engellenner In Support of
Motion For Admission Pro Hac Vice***

I, Thomas Engellenner, declare as follows:

1. I am an attorney licensed to practice law in the states of Massachusetts and New York, and am a registered patent attorney before the United States Patent and Trademark Office (Reg. No. 28,711). I am also admitted to practice before the U.S. District Court for the District of Massachusetts and the Court of Appeals for the Federal Circuit. I am a member in good standing in all jurisdictions where I have been admitted to practice.
2. I have never been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application denied for admission before any court or administrative body.
4. I have never had any sanctions or contempt citations imposed by any court or administrative body.
5. I have read and agree to 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 affirm my agreement as a registered practitioner before the USPTO to be subject to the USPTO Rules of Professional Conduct 37 C.F.R.

§§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. §
11.19(a).

7. I commonly appear before the USPTO as a registered USPTO practitioner. Other than concurrently seeking to appear *pro hac vice* in IPR2013-00593, IPR2013-00597, and IPR2013-00598, which were also filed by the Petitioner against patents other than the '652 Patent owned by the Patent Owner, I have not applied to appear *pro hac vice* in any other proceedings before the USPTO in the last three (3) years.
8. I have been a partner at the law firm of Pepper Hamilton LLP since joining the firm in 2012. Previously, I was a partner at the firm of Nutter McClennen & Fish LLP (1998- 2012) and at the firm of Lahive & Cockfield (1988-1998), and was an associate at Lahive & Cockfield from 1983 to 1988. I was also an in-house patent attorney for Massachusetts Institute of Technology from 1980 to 1983. I have extensive experience in patent law and have been involved in patent prosecution and patent litigation for the past 30 years.
9. I am familiar with the subject matter at issue in this proceeding. As a registered practitioner before the USPTO, I have been engaged by the Patent Owner to represent the Patent Owner before the Board in this proceeding. I have undertaken the study of *inter alia* the '652 Patent,

the Petition for *Inter Partes* Review, and the art cited in the Petition. I am also familiar with the co-pending litigations filed by the Patent Owner and identified by the Petitioner in the Petition for *Inter Partes* Review (pp. 2-4), in which the '652 Patent was asserted against the Petitioner and others in various jurisdictions. I have acquired a substantial understanding of the underlying legal and technological issues at stake in the these proceedings.

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. 8,050,652.

Dated: December 18, 2013

/Thomas J. Engellenner/
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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2013, a true and accurate copy of this paper, DECLARATION OF THOMAS ENGELLENER IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE* ADMISSION, was served on the following counsel for Petitioner Yamaha of America via email and U.S. Express Mail:

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