

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Google Inc., Samsung Telecommunications America, LLC, Samsung
Electronics America, Inc., and Samsung Electronics Co., Ltd.
Petitioners

v.

Micrografx, LLC
Patent Owner

Case IPR2014-00532
Patent 5,959,633

**DECLARATION OF DAVID S. ALMELING IN SUPPORT OF
PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION**

I, David S. Almeling, declare as follows:

1. I am a Partner with the law firm of O'Melveny & Myers LLP. I represent and advise Petitioners Google Inc. ("Google") and Samsung Telecommunications America, LLC, Samsung Electronics America, Inc., and Samsung Electronics Co., Ltd. (collectively, "Samsung") in connection with the above-captioned *inter partes* review ("IPR") proceeding and in connection with the underlying district court litigations (*Micrografx, LLC, v. Google, Inc. et al.*, Case No. 3:13-cv-03595-N (N.D. Tex. 2013) and *Micrografx, LLC, v. Samsung Telecommunications America, LLC et al.*, Case No. 3:13-cv-03599-N (N.D. Tex. 2013)) on the patent at issue in this IPR, U.S. Patent No. 5,959,633 ("633 Patent").

2. I have been a member in good standing of the Bar of the State of California since 2005. My California State Bar number is 235449. I am also admitted to practice before numerous federal courts:

- a. U.S.D.C. for the Northern District of California (since 2006);
- b. U.S.D.C. for the Eastern District of California (since 2006);
- c. U.S.D.C. for the Southern District of California (since 2011);
- d. U.S.D.C. for the Central District of California (since 2012);
- e. U.S.D.C. for the Eleventh Circuit (since 2005);

- f. U.S.D.C. for the Ninth Circuit (since 2007);
 - g. U.S.D.C. for the Federal Circuit (since 2009); and
 - h. U.S. Supreme Court (since 2009).
3. I practice litigation, primarily patent infringement litigation, and have done so throughout my career as an attorney. I have litigated dozens of patent cases across the country, including in California, Delaware, Florida, Nevada, Pennsylvania, Texas, Washington, and Wisconsin. A copy of my biography is provided as Appendix A.
4. I have been actively involved in the present IPR proceeding regarding the '633 Patent, and in the related IPR proceedings concerning U.S. Patent Nos. 6,552,732 ("732 Patent") and 6,057,854 ("854 Patent"). The two related IPR proceedings have Case Nos. IPR2014-00534 and IPR2014-00533, and the '732 Patent and '854 Patent are also asserted against the Petitioners in the same above-identified district court litigations as the '633 Patent. I represent Petitioners in these concurrent litigations involving the '633, '732, and '854 Patents, and I have therefore extensively reviewed each of the patents and gained significant familiarity with the claim construction issues in those cases, which significantly overlap with the corresponding issues in these IPR proceedings. Moreover, not only have I reviewed and understand each of the '633, '732, and '854 Patents and their corresponding

file histories, but my work in the concurrent litigation has also resulted in my detailed review of the Petition for *Inter Partes* Review (including the proposed invalidity grounds therein, the cited references, and exhibits), the accompanying Declaration of Dr. Lastra, and the Board's Decision instituting *Inter Partes* Review in each of in these IPR proceedings (Case Nos. IPR2014-00532, IPR2014-00533, and IPR2014-00534).

5. The prior art references at issue in the IPR proceedings were also at issue in the underlying litigations, where they were disclosed in invalidity contentions that I supervised and signed.

6. Since 2009, I have represented Petitioners in connection with many patent litigations and PTO proceedings regarding the technology at issue in this IPR, which relates generally to Geographical Information Systems ("GIS") and/or graphics technology:

- a. *Tierravision Inc., v. Research in Motion Ltd. et al.*, Case No. 3:11-CV-0639 (S.D. Cal.): I represent Google as counsel of record concerning Reissue No. RE41983, titled "Method of Organizing and Compressing Spatial Data." I have also been advising Google regarding *Inter Partes* Reexamination Control No. 95/001,801 regarding this patent.

- b. *Walker Digital LLC v. Google, Inc. et al.*, Case No. 1:11-CV-00309 (D. Del.): I represent Google and Samsung Telecommunications America, LLC (“STA”) as counsel of record concerning U.S. Patent No. 6,199,014, titled “System for Providing Driving Directions with Visual Cues.” I have also been advising Google and STA regarding *Inter Partes* Reexamination Control No. 95/002,031 regarding this patent.
- c. *Webmap Techs. LLC v. City Accommodations Network Inc. et al.*, Case No. 2:09-CV-00343 (E.D. Tex.): I represented Google as counsel of record concerning U.S. Patent No. 6,772,142, titled “Method and Apparatus for Collecting and Expressing Geographically-Referenced Data.” I also advised Google regarding *Inter Partes* Reexamination Control No. 95/000,554 regarding this patent.
- d. *Vederi, LLC v. Google Inc.*, Case No. 2:10-cv-07747 (C.D. Cal.): I represent Google as counsel of record concerning four patents-in-suit: U.S. Patent Nos. 7,239,760 (“System and Method for Creating, Storing, and Utilizing Composite Images of a Geographic Location”), 7,805,025 (“System and Method for Creating, Storing and Utilizing Images of a Geographic

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