UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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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

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

I, David S. Almeling, declare as follows:

1. On September 19, 2014, I submitted a Declaration ("first Declaration") in this above-captioned *inter partes* review ("IPR") proceeding in connection with my application to appear *pro hac vice*. I fully incorporate and reaffirm the facts in my first Declaration.

2. I have been informed that the Patent Trial and Appeal Board ("the Board") conditionally granted the motion for *pro hac vice* admission of David S. Almeling in this IPR proceeding, subject to the filing of a declaration attesting to all proceedings before the Office in which I have applied to appear *pro hac vice* in the last three years. This Declaration provides the requested information.

3. In the last three years, and in addition to my pending applications in the above-captioned proceeding (IPR2014-00532) and the related two proceedings (IPR2014-00534 and IPR2014-00533), I have applied to appear *pro hac vice* before the Office in two sets of Patent Office proceedings, both of which were identified in my first Declaration:

   a. First, as described in paragraph 6(d) of my first Declaration, I have applied to appear *pro hac vice* before the Office in the set of reexamination proceedings (*Inter Partes* Reexamination Control
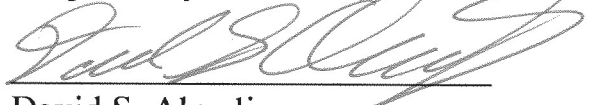
Nos. 95/000,681, 95/000,682, 95/000,683, and 95/000,684). The petitions in those reexamination proceedings are still pending.

b. Second, as described in paragraph 10 of my first Declaration, I applied to appear *pro hac vice* before the Office in another reexamination proceeding (*Inter Partes* Reexamination Control No. 95/001,801). My application in that reexamination proceeding was treated as a petition under 37 C.F.R. § 41.3 and denied due to an absence of information addressing the specific requirements for a petition in a reexamination proceeding.

4.   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. I further declare that these statements were 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 application.

Respectfully submitted,

Date: <u>September 29, 2014</u>

David S. Almeling
O'Melveny & Myers LLP

O'MELVENY & MYERS LLP

David Almeling
Partner | dalmeling@omm.com

David Almeling is a partner in O'Melveny's San Francisco office and a member of the Intellectual Property and Technology Practice Group within the Litigation Department.

David represents clients in intellectual property litigation, focusing on patent and trade secret litigation. David has been successful in every stage of litigation, from securing fast and favorable results through early settlements or motion practice to preserving victories at the Federal Circuit. Clients also entrust David with a wide variety of non-litigation tasks, from conducting pre-filing patent analysis to investigating the alleged theft of trade secrets.

Among his other awards, David was named on *The Recorder's* 2013 list of "Lawyers on the Fast Track," which identifies 50 California lawyers "whose early accomplishments indicate they will be tomorrow's top lawyers and leaders." And David received a 2014 Distinguished Legal Writing Award from the Burton Awards.

David is a nationally respected authority on patents and trade secrets. He has published more than a dozen articles in best-in-class publications, and he has presented more than a dozen CLE presentations. With O'Melveny's Darin Snyder, David co-authored the book *Keeping Secrets: A Practical Introduction to Trade Secret Law and Strategy,* which was published in 2012 by Oxford University Press. Richard Lutton, the former Chief Patent Counsel for Apple, praised the book as "a must have for every general manager and lawyer who hopes to see business and clients thrive using their unique information assets." David holds leadership roles in state and national intellectual property bar associations.

David also has substantial experience and success advising companies regarding proceedings in the U.S. Patent & Trademark Office. He has been involved in more than two dozen *ex parte*

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and *inter partes* reexaminations. And he is currently involved in several Inter Partes Review and Covered Business Method proceedings.

Illustrative Professional Experience

Illustrative Patent Litigation

- Defended an industry-leading, Mountain View-based multinational public cloud computing company in seven patent cases. One in E.D. Tex. involved a web-based interactive map technology and resulted in a complete victory in which the U.S. Patent & Trademark Office invalidated the asserted patent in reexamination. Another case in E.D. Tex. involved the use of electronic tokens to conduct internet commerce and resulted in a fast and favorable settlement. David is currently defending the company in several cases: one in S.D. Cal. involving the organization of map data on portable wireless devices; one in D. Del. involving a method for providing navigational instructions that include photographs of locations along the route; one in N.D. Tex. involving three patents relating to computer graphics; and one in M.D. Fla. involving three patents related to generating video and image data.
- Represented a San Jose-based public semiconductor manufacturer in several patent cases. One in E.D. Pa. involved voltage and temperature compensated amplifiers and resulted in a complete victory in which the case was dismissed shortly after O'Melveny filed a Rule 11 motion. Two other cases resulted in a fast and favorable settlement: one in N.D. Cal. involved all-silicon oscillators for generating clock signals and the other in E.D. Tex. involved PCI Express technology.
- Defended a Korea-based, multinational public electronics company in several patent cases. One, in E.D. Tex., involved vehicle collision systems and resulted in a favorable settlement. David is currently defending the company in a case in D. Del. that involves a method for providing navigational instructions that include

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