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'775 PATENT, CLAIMS 1-29

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT: 6,896,775

INVENTOR: CHISTYAKOV

FILED: OCTOBER 29, 2002

ISSUED: MAY 24, 2005

TITLE: HIGH-POWER PULSED MAGNETICALLY ENHANCED PLASMA PROCESSING

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF MARK MATUSCHAK IN SUPPORT OF
UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE***

I, Mark Matuschak, declare as follows:

1. I have been practicing law for over twenty-nine years, and have been practicing in the field of intellectual property, and particularly, patent litigation, for twenty-two years.
2. I am a member in good standing of the Bar of the Commonwealth of Massachusetts and the Bar of the State of New York. I am admitted to practice before the United States Courts of Appeals for the Federal Circuit, as well as the First, Second, Third and Sixth Circuits. I am also admitted to practice before the United States District Courts for the District of Massachusetts and Colorado. I have been admitted *pro hac vice* in many district courts including the Eastern and Northern Districts of Texas, the Northern and Central Districts of California, the District of Delaware, the Southern and Northern Districts of New York, the

Eastern District of Pennsylvania, the Southern and Northern Districts of Indiana, the Southern District of Ohio and the District of Utah.

3. My Massachusetts Bar membership number is 543873. My New York Bar membership number is 5167127.

4. I have been in private for over twenty-nine years, and litigating patent cases for over twenty-two years. Several of these patent litigations concerned Patent Office rules and regulations. For example, in both *Hyperion v. OutlookSoft*, No. 2:04-CV-436 (E.D. Tex. 2006) and *Smith & Nephew, Inc. v. Arthrex, Inc.*, No. 2:07-CV-335 (E.D. Tex. 2010), I was lead counsel in patent litigation trials which involved claims (separately tried to the court) of unenforceability/inequitable conduct. In *Color Kinetics, Inc. v. TIR Systems, Ltd.*, No. 03-cv-12491 (D. Mass. 2006), I was lead counsel in a patent litigation in which MPEP rules were directly at issue. In that case, both parties filed summary judgment relating to unenforceability/inequitable conduct, in connection with MPEP § 609.02 (whether examiner is required to review file history of prior related applications in a continuation application) and § 2001.06 (duty to disclose information from copending application material).

5. I have never been suspended, disbarred, sanctioned or cited for contempt by any court or administrative body.

6. I have never had a court or administrative body deny my application for admission to practice.

7. I have read and will comply with Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in 37 C.F.R. Part 42.

8. I agree to 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).

9. In the past three years, I have not appeared *pro hac vice* in any proceedings before the United States Patent and Trademark Office.

10. I am familiar with the subject matter at issue in this proceeding. I am counsel in *Zond, LLC v. The Gillette Co. and The Procter & Gamble Co.*, No. 1:13-CV-11567-DJC (D. Mass.) (filed July 1, 2013), which is related to and involves the same patent at issue in this proceeding.

11. I have represented The Procter & Gamble Company and/or The Gillette Company in multiple patent and trademark matters since 2008, including confidential patent-related analysis, and the following United States District Court cases: *Georgia-Pacific Consumer Products LP v. The Procter & Gamble Co.*, No. 1:08-CV-3245 (N.D. Ga. 2008); *The Procter & Gamble Co. v. Georgia-Pacific Consumer Products LP*, No. 1:09-CV-318 (S.D. Ohio 2009); *The Gillette Co. and The Procter & Gamble Co. v. Sebron Co.*, No. 8:08-cv-00154 (C.D. Cal. 2008); *Zond, Inc. v. The Gillette Co. and The Procter & Gamble Co.*, No. 1:13-cv-11567-JLT (D. Mass. 2013).

12. 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 are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully Submitted,

/Mark Matuschak/

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