

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION and
ORACLE AMERICA, INC.

Petitioners,

v.

ELECTRONICS AND TELECOMMUNICATIONS
RESEARCH INSTITUTE,

Patent Owner.

Case IPR2014-00976

Patent 6,978,346

**DECLARATION OF BENJAMIN A. LASKY IN SUPPORT OF
PETITIONERS' MOTION FOR ADMISSION *PRO HAC VICE* OF
BENJAMIN A. LASKY PURSUANT TO 37 C.F.R. § 42.10(C)**

I, Benjamin A. Lasky, do hereby declare as follows:

1. I am a member in good standing of the bar of the State of New York.
2. I am an experienced patent litigation attorney with more than twelve (12) years of experience. In that time, I have served as counsel in numerous patent infringement lawsuits.
3. I have never been suspended or disbarred from practice before any court or administrative body.
4. I have never had an application for admission to practice before any court or administrative body denied.
5. I have had no sanctions or contempt citations imposed against me by any court or administrative body.
6. I have read and will 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.
7. I agree to be subject to the USPTO 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).
8. I have applied concurrently to appear *pro hac vice* in Case IPR2014-00949.
9. I am very familiar with the subject matter at issue in this proceeding and particularly with the patent at issue in this proceeding, U.S. Patent No. 6,978,346 ("the '346 Patent").

10. I am counsel and have been actively involved in the co-pending litigation involving the '346 Patent, *Safe Storage LLC v. International Business Machines Corporation*, Case No. 1:13-cv-01151-GMS (D. Del.), filed on June 28, 2013.
11. As counsel in this district court litigation, I am deeply involved in all aspects of the litigation on behalf of International Business Machines Corp., including claim construction and validity analysis, and therefore have established familiarity with the '346 Patent.
12. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

Respectfully submitted,
Kirkland & Ellis LLP

/s/Benjamin A. Lasky

Benjamin A. Lasky

Date: September 12, 2014
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