

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PRONG, INC.

Petitioner

v.

YEOSHUA SORIAS

Patent Owner

Case No. IPR2015-01317

U.S. Patent No. 8,712,486

**DECLARATION OF TIMOTHY L. FOSTER  
IN SUPPORT OF PATENT OWNER'S MOTION FOR *PRO HAC VICE*  
ADMISSION OF TIMOTHY L. FOSTER  
UNDER 37 C.F.R § 42.10(c)**

1. I have been admitted to practice in the State of New York since 2009 and am a member in good standing of the New York State Bar.
2. I am admitted and in good standing to practice before the United States District Court for the Southern District of New York and the United States District Court for the Eastern District of New York.
3. I have never been suspended or disbarred from practice before any court or administrative body.
4. I have never been denied admission to practice before any state court or administrative body.
5. No sanctions or contempt citations have been imposed against me by any court or administrative body.
6. I have read and will comply with the USPTO's Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R., part 42.
7. I understand that I will be subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.01 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
8. In the last three (3) years I have not applied to appear *pro hac vice* in any proceeding before the USPTO.
9. I am an experienced litigation attorney with experience relating to intellectual property matters and I represent (and previously represented) Patent Owner in numerous litigation matters involving U.S. Patent No. 8,712,486. These matters include:

- a. *Sorias v. National Cellular USA, Inc. and Prong LLC*; 14-CV-2897 (E.D.N.Y.) (Patent Infringement for '486 Patent) (Currently stayed pending outcome of this proceeding);
- b. *Sorias v. GoWireless, Inc.*; 16-CV-00337 (S.D.N.Y.) (Patent Infringement for '486 and other Sorias Patents);
- c. *National Cellular USA, Inc. v. Sorias, et al.*; Index No. 501807/2014 (New York Supreme Court, Kings County) (Breach of contract for Licensing Agreement to use technology protected by '486 Patent); and
- d. *Sorias v. Indiegogo, Inc.*, 15-CV-02118 (S.D.N.Y.) (Patent infringement for '486 Patent) (Voluntarily dismissed by Plaintiffs in May 2015)

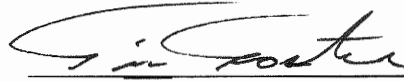
10. In addition to representation of Patent Owner in matters relating specifically to U.S. Patent No. 8,712,486, I represent Patent Owner in related intellectual property matters that include:

- a. *Prong, Inc. v. Zilicon Accessories, et al.*; 15-CV-09161 (S.D.N.Y.) (Alleging patent infringement, copyright and trademark claims); and
- b. *Sorias v. EnergyBionics, et al.*; 15-CV-81004 (S.D. Fla.) (Patent infringement for Sorias' patent unrelated to U.S. Patent No. 8,712,486).

11. In the representation of Patent Owner in the various court proceedings indicated above, I have developed an understanding of patent law and specifically have established familiarity with the subject matter at issue in in this proceeding relating to U.S. Patent No. 8,712,486.

12. I hereby attest that the above statements made herein are true to the best of my knowledge and belief.

Executed: March 9, 2016

A handwritten signature in black ink, appearing to read "Timothy L. Foster", written over a horizontal line.

Timothy L. Foster