

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE BOEING COMPANY,
Petitioner

v.

SEYMOUR LEVINE,
Patent Owner

CASE: IPR2015-01341
Patent No. RE39,618

**DECLARATION OF PETER E. GRATZINGER IN
SUPPORT OF MOTION FOR PRO HAC VICE
ADMISSION UNDER 37 C.F.R. § 42.10**

I, Peter E. Gratzinger, declare and attest as follows:

1. I am of counsel for the firm Munger, Tolles & Olson LLP. I make this declaration in support of Petitioner The Boeing Company's Motion for Peter E. Gratzinger to Appear *Pro Hac Vice* Under 37 C.F.R. § 42.10, filed in the above-captioned IPR No. 2015-01341.

2. I have more than 12 years of litigation experience and have litigated numerous patent cases. I have presented technology tutorials and argued *Markman* hearings in patent cases in federal district court. I have also published articles regarding patent law. Attached as **Exhibit A** is a copy of my professional biography as provided by Munger, Tolles & Olson LLP.

3. I am counsel of record for Petitioner The Boeing Company in concurrent pending federal district court litigation involving the same U.S. Patent No. RE39,618 ("the '618 Patent"). See *Seymour Levine v. The Boeing Company*, Case No. 2:14-cv-1991-RSL (W.D. Wash.). Attached as **Exhibit B** is a copy of the docket from that proceeding, which shows that I have appeared as counsel in that lawsuit on behalf of The Boeing Company. I am very familiar with the '618 Patent and the subject matter of the current *inter partes* review proceeding as a result of my position as The Boeing Company's counsel in the concurrent district court litigation. My role in that case has included substantial work investigating and analyzing the technology disclosed in the '618 patent and prior art references related to that technology (including the art cited in the instant *inter partes* review).

4. I was admitted to practice law in California on December 4, 2003. My bar number is No. 228764. I remain in good standing as a member of the California Bar. Attached as **Exhibit C** is a copy of my bar status from The State Bar of

5. I have been admitted to the practice in the following courts:

- a. USCD, C.D. California
- b. USDC, S.D. California
- c. USDC, N.D. California
- d. USDC, Colorado
- e. U.S. Court of Appeals, Federal Circuit
- f. U.S. Court of Appeals, 9th Circuit

6. I have never been suspended or disbarred by any court or administrative body. Nor have I ever been disciplined by a court, bar association, or committee thereof that would reflect unfavorably upon my conduct, competency or fitness as a member of the Bar. No sanctions or contempt citations have been imposed upon me by any court or administrative body. I have never been denied application for admission to practice before any court or administrative body.

7. 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 37 C.F.R. I also understand that I am 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 not previously applied to appear *pro hac vice* in any other proceeding before the Patent Trial and Appeal Board.

9. I understand that I would be admitted for the limited purpose of appearing in the case specified above only.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 12, 2016 in San Francisco, California.



EXHIBIT A



Peter E. Gratzinger

Los Angeles

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Practice Areas

- Litigation

Education

- Stanford Law School (J.D., with honors, 2003)
- New York University (M.A., Institute for Law and Society, 2001)
- UC Berkeley (B.S., environmental economics and policy, 1998)

Bar Admissions

- California

Peter E. Gratzinger

Peter Gratzinger is of counsel in the Los Angeles office of Munger, Tolles & Olson. His practice focuses on representing technology and entertainment clients in Intellectual property, antitrust and commercial disputes.

Key Representations

- Google in a multi-patent case pending in the U.S. District Court for the District of Nevada related to numerous Google products and services for mobile phones and tablets.
- Verizon in a multi-patent case pending in the Eastern District of Virginia related to patents covering telecommunications equipment, originally issued to Nortel Networks.
- Rambus in a multi-patent infringement action in the Northern District of California relating to DRAM technology.
- LG Display in its defense against a class action antitrust case stemming from allegations of price-fixing among manufacturers of display panels.
- Microsoft in wide-ranging antitrust and intellectual property litigation concerning technological measures in the Xbox 360 videogame console designed to preclude unauthorized accessories. The litigation included DMCA, copyright, trade secret, patent, design patent, trademark, and Kodak "aftermarket" antitrust claims.
- A developer and manufacturer of solar energy technology in its defense against allegations of patent infringement related to the manufacture of solar cells and solar cell modules.
- dick clark productions, against a lawsuit brought by the Hollywood Foreign Press Association over the rights to the Golden Globe Awards show. The result of the trial in that case was recognized by the *Daily Journal* as one of the "Top Verdicts" of 2012.
- ABC in defeating an effort by CBS to enjoin the reality show "The Glass House" based on allegations of copyright infringement and misappropriation of trade secrets.

Mr. Gratzinger also maintains an active pro bono practice and has provided *pro bono* representation in various cases involving immigration, First Amendment law, election law and other issues. Mr. Gratzinger is on the Board of Managers of the Ketchum Downtown YMCA, a non-profit serving the downtown Los Angeles community.

Mr. Gratzinger graduated with honors from Stanford Law School in 2003. During law school, he served as executive editor of the *Stanford Law Review*. Mr. Gratzinger completed his first year of legal studies at New York University School of Law, where he earned the John Norton Pomeroy Prize for academic excellence.

Publications

- "Was the Telescope Obvious? An Inquiry into Simultaneous Invention," 13 *The Columbia Science and Technology Review* 71 (2011)
- "Machines and Transformations: The Past, Present, and Future Patentability of Software," 8 *Northwestern Journal of Technology and Intellectual Property* 247 (2010)

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