

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,

Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,

Patent Owner.

Case IPR2015-01432
Patent 7,139,794 B2

**AFFIDAVIT OF EVAN S. DAY IN SUPPORT OF
PETITIONER MICROSOFT CORPORATION'S MOTION FOR *PRO HAC*
VICE ADMISSION UNDER 37 C.F.R. §42.10(c)**

I, Evan S. Day, being duly sworn and upon oath, hereby apply to appear *pro hac vice* before the Office in *inter partes* review proceeding under PTAB Case No. IPR2015-01432 on U.S. Patent No. 7,139,794 B2 and hereby attest to the following:

1. I am a member in good standing of the state Bar of California and the United States District Court, Southern District of California. I am an associate member of the Virginia State Bar.
2. I have never been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. No sanction or contempt citation has been imposed against me by any court or administrative body.
5. 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 37 C.F.R. Part 42.
6. I will 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.P.R. § 11.19(a).

7. I have applied, and have been admitted by the Office, to appear *pro hac vice* before the Office in the last three (3) years. I have applied to appear before the PTAB in the following PTAB proceedings:

i. *HTC Corporation et al. v. Advanced Audio Devices, LLC*

Cases: IPR2014-01154 (Patent 6,587,403 B1)
IPR2014-01155 (Patent 7,289,393 B2)
IPR2014-01156 (Patent 7,817,502 B2)
IPR2014-01157 (Patent 7,933,171 B2)
IPR2014-01158 (Patent 8,400,888 B2)

8. I am an experienced litigation attorney with more than 4 years of experience representing clients in patent cases involving computer hardware and software, Internet and e-commerce, hand held computers and other mobile devices, optics, displays, user interfaces, mapping services, audio applications, image processing, and digital graphics. I regularly litigate patent cases in various forums including various federal district courts and the International Trade Commission. I also regularly assist patent attorneys within Perkins Coie with post-grant procedures pending before the USPTO which relate to litigation that I am involved in, including the previous IPR trials listed above and the PTAB proceeding for which I am currently applying for admission *pro hac vice*. Through my experience in patent litigation matters, I have represented

- clients in many phases of litigation including discovery, Markman hearings, and trial. My biography is attached hereto as Appendix A.
9. On January 9, 2015, Patent Owner filed a lawsuit alleging that Petitioner Microsoft Corporation infringes several patents, including U.S. Patent No. 7,139,794, in *Bradium Techs. LLC v. Microsoft Corp.*, 1:15-cv-00031-RGA, filed in the U.S. District Court for the District of Delaware. That litigation is ongoing and led to *inter partes* review proceeding under PTAB Case No. IPR2015-01432.
10. I am counsel for Petitioner Microsoft Corporation in the above litigation in which I handle all phases of the litigation from discovery through trial, and will continue to be involved in the case as counsel. I am familiar with the technology and issued claims in the '794 Patent in the above litigation. I am familiar with the prior art references cited in PTAB Case No. IPR2015-01432 and the associated invalidity grounds before the PTAB.

I hereby declare 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 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 the Title 18 of the United States Code.

Respectfully submitted,

Dated: July 8, 2016

/Evan S. Day/
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