

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TERREMARK NORTH AMERICA LLC, VERIZON BUSINESS NETWORK
SERVICES INC., VERIZON SERVICES CORP., TIME WARNER CABLE
INC., ICONROL NETWORKS, INC., AND COXCOM, LLC,

Petitioners

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC,

Patent Owner

Case: IPR2015-01478

Patent 6,542,076

DECLARATION OF RENÉ A. VAZQUEZ

I, René A. Vazquez, declare as follows:

1. I am a lawyer at the law firm of Heninger, Garrison Davis, LLC. I am back-up counsel for Patent Owner Joao Control & Monitoring Systems, LLC (“JCMS”) in the request for Inter Partes Review of U.S. Patent 6,542,076 (“the ‘076 Patent”) in case IPR2015-01478. I submit this declaration in support of Patent Owner’s position that the June 23, 2015 filing date accorded to the Petition for *Inter Partes* Review of U.S. Patent 6,542,076 (“the ‘076 Petition”) in case IPR2015-01478 is incorrect, and that the filing date that should have been accorded to the ‘076 Petition is June 24, 2015. I have knowledge of the facts set forth in this declaration and could and would competently testify to the facts stated herein.

2. On June 23, 2014, Verizon Communications, Inc. was served with a Complaint alleging infringement of the ‘076 Patent. *See* JCMS, LLC v. Terremark North America LLC, C.A. No. 14-525-GMS, D.I. 5 (D. Del.) (“Proof of Service,” attached hereto as Exhibit 2002).

3. After service, by stipulation of the parties, Petitioner Terremark North America LLC was substituted as a defendant in place of Verizon Communications Inc. *Id.* at D.I. 11 (Stipulation attached hereto as Exhibit 2004). Petitioner Terremark North America LLC is a wholly-owned subsidiary of Verizon Communications Inc. *See* JCMS, LLC v. Terremark North America LLC, C.A. No. 14-525-GMS, D.I. 10 (D. Del. 2014)(Terremark’s Rule 7.1 Disclosure

Statement, attached hereto as Exhibit 2003). Petitioners here have identified Verizon Communications Inc. as a real party in interest to the present the '076 Petition. Paper 2 at 2.

4. On June 23, 2014, Petitioner Time Warner Inc. was also served with a Complaint alleging infringement of the '076 Patent. *See* JCMS, LLC v. Time Warner, Inc., C.A. No. 14-524-GMS, D.I. 5 (D. Del.)(“Proof of Service,” attached hereto as Exhibit 2005).

5. The USPTO’s Public PAIR records show that the “Attorney/Agent” for the '076 Patent is Mr. Raymond Joao. The same record provides Mr. Joao’s correspondence address and telephone number.

6. As of June 23, 2015, I did not represent and had never represented JCMS, LLC in connection with any proceedings before the USPTO. Moreover, as of June 23, 2015, no one from either Heninger Garrison Davis LLC or Stamoulis & Weinblatt had ever represented JCMS, LLC in connection with any proceedings before the USPTO.

7. Attached hereto as Exhibit 2006 is a true and correct copy of the U.S.P.S. tracking data demonstrating service of IPR2-15-01482, IPR2015-01485 and IPR2015-01486 via Priority Mail Express to the Patent Owner on June 24, 2015.

8. Attached hereto as Exhibit 2007 is a true and correct copy of the FedEx tracking data demonstrating service of IPR2015-01466, IPR2015-01477,

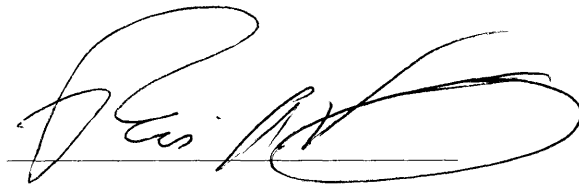
IPR2015-01478 and IPR2015-01484 via FedEx to the Patent Owner on June 24, 2015.

9. Patent Owner did not discover that Petitioners' originally-filed Certificate of Service was false until my colleague took the tracking number on the FedEx box sent to Mr. Joao and looked it up in FedEx's package tracking system.

10. Attached hereto as Exhibit 2008 is a true and correct copy of an email I sent to Petitioners' counsel Clay Holloway on July 17, 2015, inquiring about the accuracy of Petitioners' certificates of service.

11. Attached hereto as Exhibit 2009 is a true and correct copy of an email dated June 23, 2015 from Petitioners' counsel Megan Woodworth to Patent Owner's counsel René A. Vazquez.

I 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 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 Title 18 of the United States Code.



René A. Vazquez
Henninger Garrison Davis LLC

Date: 10/9/15