

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

COMARCO WIRELESS TECHNOLOGIES, INC.,
Patent Owner

Case IPR2015-01879
Patent 8,492,933

**DECLARATION OF BRETT J. WILLIAMSON IN SUPPORT
OF PETITIONER'S MOTION FOR *PRO HAC VICE*
ADMISSION**

I, Brett J. Williamson, declare as follows:

1. I am a Partner with the law firm of O'Melveny & Myers LLP. I represent and advise Petitioner Apple Inc. ("Apple") in connection with the above-captioned *inter partes* review ("IPR") proceeding and I am lead counsel in the underlying district court litigation (*Comarco Wireless Technologies, Inc. v. Apple Inc.*, Case No. 8:15-cv-00145-AG-DFM (C.D. Cal.)) on the patent at issue in this IPR, U.S. Patent No. 8,492,933 ("933 Patent").

2. I have been a member in good standing of the Bar of the State of California since 1989. My California State Bar number is 145235. I have been a member in good standing of the Bar of the District of Columbia since February 2015. My D.C. Bar number is 1024759. I am also admitted to practice before numerous federal courts:

- a. U.S.D.C. for the Northern District of California (since 1993);
- b. U.S.D.C. for the Eastern District of California (since 1993);
- c. U.S.D.C. for the Southern District of California (since 1993);
- d. U.S.D.C. for the Central District of California (since 1989);
- e. U.S.D.C. for the District of Colorado (since 1999)
- f. U.S.C.A. for the Second Circuit (since 2014);
- g. U.S.C.A. for the Ninth Circuit (since 1989);
- h. U.S.C.A. for the Federal Circuit (since 2002); and

- i. U.S. Supreme Court (since 1995).
3. I have over 25 years of experience practicing patent and technology related litigation. I have litigated numerous patent cases across the country, including in Alabama, California, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Nevada, Ohio, Texas, Utah, and Virginia, and litigated many of them through both trial and appeal. A copy of my biography is provided as Appendix A.
4. I am familiar with the subject matter at issue in this proceeding. I have supervised and been actively involved in the present IPR proceeding regarding the '933 Patent. I represent Petitioner in concurrent litigation involving the '933 Patent, and I have extensively reviewed the patent, its file history, the Patent Owner's preliminary infringement contentions served in the litigation, and the prior art being asserted in the petition for IPR in this proceeding. I have gained significant familiarity with the implicit claim construction issues in the underlying litigation, including the Patent Owner's claimed claim scope as disclosed in its infringement contentions. These issues significantly overlap with the corresponding issues in this IPR proceeding.
5. Moreover, I have advised Petitioner on strategy regarding Petitioner's affirmative arguments in this IPR proceeding, supervised the drafting of the petition, reviewed the accompanying Declaration of Dr. Nathaniel Davis IV,

and worked with Petitioner to find and identify the references relied upon in the petition and to draft other submissions to the Office.

6. The prior art references at issue in the IPR proceedings are also at issue in the underlying litigation. I have reviewed both that art and a vast amount of additional, related prior art — all of which were disclosed in invalidity contentions that I participated in preparing and signed.

7. I have represented clients in connection with many patent litigations regarding technology similar to that at issue in this IPR, which relates generally to mobile devices and electrical signals.

8. I have worked closely with Dr. Davis, who provided a declaration in this IPR, regarding his declaration. I was also involved in identifying and retaining Dr. Davis as an expert in this IPR, and I signed his engagement letter.

9. I frequently publish on issues concerning patent law and technology related litigation.

10. I have not been suspended or disbarred from practice before any court or administrative body. I have never had an application for admission to practice before any court or administrative body denied. No sanction or contempt citation has been imposed against me by any court or administrative body.

11. 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.

12. I agree to and 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.F.R. § 11.19(a).

13. I have not applied to appear *pro hac vice* before the Office in any other proceeding in the last three years.

14. I hereby 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. 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 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 9/30/2015

/s/ Brett J. Williamson
Brett J. Williamson
O'Melveny & Myers LLP

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.