

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAID TECHNOLOGIES INC.
Petitioner

v.

YODLEE, INC.
Patent Owner

Case IPR2016-00273
Patent 6,317,783

**DECLARATION OF DAVID BARKAN IN SUPPORT OF PATENT
OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION**

YODLEE 2002

PLAID TECHNOLOGIES INC. YODLEE, INC.

**DECLARATION OF DAVID BARKAN IN SUPPORT OF
PATENT OWNER'S MOTION FOR *PRO HAC VICE*
ADMISSION**

I, David Barkan, declare the following:

1. I am a member in good standing of the State Bar of California, and am admitted to practice in the United States District Courts for the Northern, Central, and Southern Districts of California, the United States District Court for the Eastern District of Texas, the United States District Court for the Northern District of Illinois, the United States District Court for the Western District of Wisconsin, and the United States Courts of Appeals for the Fourth Circuit, Ninth Circuit, and Federal Circuit.
2. I have not 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 part 42 of the Code of Federal Regulations.

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.F.R. § 11.19(a).

7. I have previously applied to appear *pro hac vice* before the Office in Cases No. IPR2013-00472 and IPR2013-00473 and am also applying to appear before the Office in Case No. IPR2016-00275, which involves another patent belonging to the Patent Owners that is at issue in the same district court action (*Yodlee, Inc. v. Plaid Technologies Inc.*, USDC-D. Delaware - Case No 14-1445-LPS-CJB) as the present Proceeding. That application is being filed concurrently with the present application

8. I am an experienced litigation attorney with more than 23 years of experience representing clients in patent cases involving electrical devices, computer hardware, computer software, financial and business services, the Internet, and semiconductors. I regularly litigate patent cases in various forums including the United States Court of Appeals for the Federal Circuit, federal district courts, and the International Trade Commission. Through my experience in patent litigation matters, I have represented clients in many phases of litigation including discovery, Markman hearings, jury trials, bench trials, and appeals. I have also been substantively involved in developing technical and legal arguments, and working with technical experts and inventors. I have particular experience relevant to the patent-at-issue, having been lead counsel for Patent Owner Yodlee,

Inc. on two previously-litigated cases involving this patent, the first time in the Western District of Missouri and the second time in the Northern District of California as well as the current action in the District of Delaware, *Yodlee, Inc. v. Plaid Technologies Inc.*, Case No 14-1445-LPS-CJB. My biography is attached hereto as Exhibit A. I have also served as lead counsel for the Patent Owner since 2001 in patent cases in district court proceedings involving software technologies.

9. 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; 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 and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: April 5, 2016



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EXHIBIT A

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