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Filed on behalf of Intel Corporation

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION

Petitioner

v.

DSS Technology Management, Inc.

Patent Owner

Case IPR2016-00289

**DECLARATION OF MICHAEL J. SUMMERSGILL IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE***

Intel v. DSS
IPR2016-00289
INTEL 1019

I, Michael J. Summersgill, declare as follows:

1. I am a partner at the law firm of Wilmer Cutler Pickering Hale & Dorr LLP in Boston, Massachusetts.
2. I have been practicing law for more than nineteen years. My practice during that time has focused on intellectual property litigation, and particularly, patent litigation.
3. I am a member in good standing of the Bar of the Commonwealth of Massachusetts, and am admitted to practice before the Massachusetts Supreme Judicial Court, the United States Courts of Appeal for the First, Second, Ninth, and Federal Circuits, and the United States District Court for the District of Massachusetts.
3. My Massachusetts Bar membership No. is 632816.
4. I have gained experience with Patent Office rules, regulations, and procedures by litigating cases involving allegations of inequitable conduct, prosecution history disclaimer, and other issues for which review of a patent's prosecution history is critical. *See, e.g., Zenon Env'tl., Inc. v. US Filter Corp.*, Nos. 2006-1266, -1267 (Fed. Cir.) (involving dispute over whether patent was entitled to priority date of grandparent parent).
6. I have never been suspended, disbarred, sanctioned or cited for contempt by any court or administrative body.

7. I have never had a court or administrative body deny my application for admission to practice.

8. I have read and will comply with Office Patent Trial Practice guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R.

9. I agree to be subject to the United States Patent and Trademark Office 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).

10. In the past three years, I have appeared *pro hac vice* before the United States Patent and Trademark Office in the following proceedings: Case Nos. CBM2014-00028, CBM2014-00030, CBM2014-00033, IPR2015-01811 and IPR2015-01812. Petitioner Intel Corp. has moved for my admission *pro hac vice* in Case Nos. IPR2016-00287, IPR2016-00288 and IPR2016-00290 concurrently with this motion.

11. I am familiar with the subject matter at issue in this proceeding. I participated in the drafting of the Petition filed in this proceeding, and I have reviewed the papers filed in this proceeding.

12. I have represented Intel Corporation in multiple patent-related matters, including the following United States District Court cases: *DSS Tech. Mgmt., Inc. v. Intel Corp. et al.*, 6:15-CV-130-JRG (E.D. Tex.), which is related to and involves the same patent at issue in this proceeding; *Memory Integrity, LLC v.*

Intel Corp., No. 3:15-cv-00262-SI (D. Or.); *X2Y Attenuators, LLC v. Intel Corp.et al.*, 1:11-cv-00117-CB (W.D. Penn.); and *X2Y Attenuators, LLC v. Intel Corp.et al.*, 1:11-cv-00218-CB (W.D. Penn.); and the following United States International Trade Commission case: *Certain Microprocessors, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-781 (USITC).

13. 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 are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully Submitted,



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