

IPR2016-01159
U.S. Pat. No. 8,694,657

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK INC.
Petitioner
v.

WINDY CITY INNOVATIONS, LLC
Patent Owner

U.S. Pat. No. 8,694,657
Issue Date: April 8, 2014
Title: REAL TIME COMMUNICATIONS SYSTEM

**DECLARATION OF ALFRED R. FABRICANT
IN SUPPORT OF WINDY CITY INNOVATIONS, LLC'S MOTION FOR
PRO HAC VICE ADMISSION OF ALFRED R. FABRICANT PURSUANT
TO 37 C.F.R. § 42.10**

Case No. IPR2016-01159

I, Alfred R. Fabricant, declare as follows:

1. I have been practicing in the field of patent litigation for over 20 years. I have been lead counsel in over 30 patent cases over my career.
2. I am a member in good standing of the Bar of the State of New York and the Bar of the State of Arizona. I am admitted to practice in the United States District Courts for the Southern District of New York, the Eastern District of New York, the District of Arizona, and the Eastern District of Texas; the United States Courts of Appeal for the Federal Circuit, the Second Circuit, and the Fourth Circuit; and the United States Supreme Court.
3. I have never been suspended, disbarred, sanctioned, or cited for any contempt by any court or administrative body.
4. I have never had a court or administrative body deny my application for admission to practice.
5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in part 42 of 37 C.F.R.
6. I agree to be subject to the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101, *et seq.*, and disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and to be subject to the USPTO Rules of Professional Conduct as set forth in Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013) (effective May 3,

2013).

7. I am familiar with the subject matter and patent-at-issue in this proceeding.

I have spent a substantial amount of time becoming familiar with the subject matter of the patent-at-issue, including reviewing the patent itself, the patent's file history, the pertinent prior art, the Petition, and the accompanying exhibits. I have spent a substantial amount of time becoming similarly familiar with the subject matter of the patents-at-issue in related IPR proceedings. I have spent a substantial amount of time becoming familiar with the papers and exhibits filed in the instant proceeding and the related proceedings involving Windy City Innovations, LLC, which include: **IPR2016-01067** (U.S. Pat. No. 8,407,356), **IPR2016-01137** (U.S. Pat. No. 8,473,552), **IPR2016-01138** (U.S. Pat. No. 8,473,552), **IPR2016-01141** (U.S. Pat. No. 8,458,245), **IPR2016-01146** (U.S. Pat. No. 8,473,552), **IPR2016-01147** (U.S. Pat. No. 8,473,552), **IPR2016-01155** (U.S. Pat. No. 8,694,657), **IPR2016-01156** (U.S. Pat. No. 8,458,245), **IPR2016-01157** (U.S. Pat. No. 8,407,356), **IPR2016-01158** (U.S. Pat. No. 8,473,552), and **IPR2016-01159** (U.S. Pat. No. 8,694,657).

8. In the past three years, I have applied to appear *pro hac vice* in the following proceedings before the Office: **IPR2016-0018** (granted, Paper 23 entered May 4, 2016); **IPR2016-00418** (granted, Paper 11 entered May 3, 2016); **IPR2016-00419** (granted, Paper 10 entered May 3, 2016); **IPR2016-00421** (granted, Paper 11

entered May 19, 2016); and **IPR2016-00422** (granted, Paper 10 entered May 19, 2016).

9. I hereby declare 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 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 U.S. Patent No. 8,694,657.

Respectfully submitted,

By: _____



Dated January 17, 2017

Alfred R. Fabricant
afabricant@brownrudnick.com
Brown Rudnick LLP
7 Times Square
New York, NY 10036
Tel: 212-209-4800
Fax: 212-209-4801

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e)(4) & 42.105(a)

A copy of the DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF WINDY CITY INNOVATIONS, LLC'S MOTION FOR *PRO HAC VICE* ADMISSION OF ALFRED R. FABRICANT PURSUANT TO 37 C.F.R. § 42.10 has been served on Petitioner at the correspondence of the Petitioner as follows:

By Email: Heidi L. Keefe (Reg. No. 40,673) hkeefe@cooley.com zpatdcdocketing@cooley.com COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004	By Email: Phillip E. Morton (Reg. No. 57,835) pmorton@cooley.com zpatdcdocketing@cooley.com COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington D.C. 20004
By Email: Andrew C. Mace (Reg. No. 63,342) amace@cooley.com COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004	

January 17, 2017

By: /Vincent J. Rubino, III/

Vincent J. Rubino, III (Reg. No. 68,504)
Lead Counsel for Petitioner
Brown Rudnick LLP
7 Times Square
New York, NY 10036
Tel: 212-209-4800
Fax: 212-209-4801