

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR2016-01381
Patent No. 8,773,356

**DECLARATION OF RICHARD BIRNHOLZ IN SUPPORT OF
IMMERSION CORPORATION'S
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION**

Mail Stop: PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Richard Birnholz, declare as follows:

1. I am an attorney licensed to practice law in the state of California.
2. I am a Partner at the law firm of Irell & Manella LLP. I have served as counsel in cases relating to patents for over twenty (20) years.
3. I am a member in good standing of the Bar of the State of California. I am also admitted to practice before the Supreme Court of the State of California; United States District Courts for the Southern District, Central District, Eastern District and Northern District of California; United States District Court for the Eastern District of Texas; U.S. Court of Appeals for the Ninth Circuit; and U.S. Court of Appeals for the Federal Circuit.
4. I am a member in good standing in all jurisdictions where I have been admitted to practice.
5. I have never been suspended or disbarred from practice before any court or administrative body.
6. I have never had an application denied for admission to practice before any court or administrative body.
7. I have never had any sanctions or contempt citations imposed by any court or administrative body.
8. 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 C.F.R.

9. I agree to 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).

10. I have not appeared *pro hac vice* before the United States Patent and Trademark Office in the past three years.

11. I am counsel for Patent Owner, Immersion Corporation (“Immersion”) in the following co-pending litigation: *Immersion Corp. v. Apple Inc., et al.*, Nos. 1-16-cv-00077 and 1:16-cv-00325 (D. Del.) (stayed); *In the Matter of: Certain Mobile and Portable Electronic Devices Incorporating Haptics (Including Smartphones and Laptops) and Components Thereof*, ITC Investigation Nos. 337-TA-990 and -1004 (consolidated). These cases involve litigation concerning Immersion’s U.S. Patent Nos. 8,773,356 (the “’356 patent”), 8,659,571 (the “’571 patent”), 7,808,488 (the “’488 patent”), 8,619,051 (the “’051 patent”), 8,581,710 (the “’710 patent”), 8,749,507 (the “’507 patent”) and 7,336,260 (the “’260 patent”). The aforementioned patents relate to haptic feedback technology in electronic devices.

12. I have been involved extensively in the underlying litigation involving the aforementioned patents, including issues relating to prior art and claim construction of the ’356 patent. As a result, I have an established familiarity with the subject matter at issue in this proceeding involving the ’356 patent.

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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 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. 8,773,356.

Date: August 11, 2017

/s/ Richard Birnholz
Richard M. Birnholz

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