UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

LIMESTONE MEMORY SYSTEMS LLC,
Patent Owner.
_____

Case IPR2016-01567
Patent No. 5,894,441

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AFFIDAVIT OF MICHAEL N. ZACHARY IN SUPPORT OF
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
Submitted Electronically via PTAB E2E

1.   I, Michael N. Zachary, am a partner at the law firm of Andrews Kurth Kenyon LLP, and have personal knowledge of the facts set forth herein.

2.   This affidavit is given in support of the Apple Inc.'s ("Apple") Motion for *Pro Hac Vice* Admission of Michael N. Zachary.

3.   I am an experienced litigation attorney, having represented clients in all phases of patent cases for over 26 years, including in numerous different district courts. I have been counsel at trial and at hearings, including with respect to summary judgment proceedings on infringement and patent validity issues, claim construction proceedings, and other patent-related hearings.

4.   I am trial counsel for Petitioner Apple Inc. in co-pending district court litigation against the Patent Owner, *Limestone Memory Systems LLC v. Apple Inc.*, Civil Action No. 8:15-cv-01274, filed August 10, 2015, in the U.S. District Court for the Central District of California, which involves the same patent at issue in this proceeding (U.S. Patent No. 5,894,441 or the "'441 patent").

5.   I have been actively involved in all aspects of the aforementioned district court litigation, and I am familiar with the documents filed and actions taken to date in the present matter, Case No. IPR2016-01567, including review of Petitioners' petition herein.

6.   I am a member in good standing of the Bar in California, Oregon, and Washington State. I am also duly admitted and authorized to practice law before

the U.S. District Court for the Central District of California, U.S. District Court for

the Eastern District of California, U.S. District Court for the Northern District of

California, U.S. District Court for the Southern District of California, U.S. District

Court for the District of Colorado, U.S. District Court for the District of Oregon,

U.S. District Court for the Eastern District of Texas, U.S. District Court for the

Eastern District of Washington, and U.S. District Court for the Western District of

Washington.

7.   I have never been suspended or disbarred from practice before any

court or administrative body.

8.   I have never made an application for admission to practice before any

court or administrative body that has been denied.

9.   No sanctions or contempt citations have been imposed against me by

any court or administrative body.

10.   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 Title 37 of

the Code of Federal Regulations.

11.   I understand that I will 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).

12.   I have appeared *pro hac vice* in the following other proceedings

before the United States Patent and Trademark Office in the last three (3) years, *Microsoft Corp. v. Bradium Techs. LLC,* IPR2015-01432*; Microsoft Corp. v. Bradium Techs. LLC,* IPR2015-01434*; Microsoft Corp. v. Bradium Techs. LLC,* IPR2015-01435*, Microsoft Corp. v. Bradium Techs. LLC,* IPR2016-00448, *Microsoft Corp. v. Bradium Techs. LLC,* IPR2016-00449, *and Prism Pharma Co., Ltd., v. Choongwae Pharma Corp.,* IPR2014-00315.

13.   I 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.

Executed on October 18, 2016

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Michael N. Zachary