

Filed on behalf of:
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Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

ANDREA ELECTRONICS CORPORATION,
Patent Owner.

Case IPR2017-00626
Patent 6,363,345

**DECLARATION OF ANDREW P. ZAPPIA IN SUPPORT OF PATENT
OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION**

EX 2008

Pursuant to 37 C.F.R. § 1.68, I, Andrew P. Zappia, attest to the following:

1. I am a partner at Pepper Hamilton LLP, counsel for Patent Owner Andrea Electronics Corporation.
2. I am a member in good standing of the Bar of the State of New York and the Bar of the District of Columbia, and I am admitted to practice in the following Federal Courts:
 - a. United States Court of Appeals for the Federal Circuit;
 - b. United States Court of Appeals for the Second Circuit;
 - c. United States District Court for the Western District of New York;
 - d. United States District Court for the Eastern District of New York;
 - e. United States District Court for the Southern District of New York;
 - f. United States District Court for the Northern District of New York;
 - g. United States District Court for the District of Columbia;
 - h. United States District Court for the District of Maryland;
 - i. United States District Court for the District of North Dakota; and
 - j. United States District Court for the Eastern District of Texas.
3. I have not been suspended or disbarred from practice before any court or administrative body.
4. I have never had an application for admission to practice before any court or administrative body denied.

5. I have never had sanctions or contempt citations imposed on me by any court or administrative body imposed against me.

6. I have read and will comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019) and the Board's Rules of Practice for Trials set forth in Part 42 of Title 37, Code of Federal Regulations.

7. I will be subject to the USPTO's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

8. I am an experienced litigation attorney and have been involved in dozens of patent infringement cases in federal courts across the United States. I have twenty-three (23) years of litigation experience and twenty-three (23) years of patent and trademark litigation experience. I have experience in various aspects of patent infringement matters, including all aspects of litigation leading up to and including jury trials and bench trials. I have obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. I have reviewed the Petition and cited materials and am familiar with the subject matter involved in this proceeding.

9. I have been admitted *pro hac vice* in unrelated Case Nos. IPR2019-00577, IPR2019-0578, IPR2019-00579, IPR2019-00580, IPR2019-00581, IPR2019-00582, IPR2019-01311, IPR2019-01312, IPR2019-01359, IPR2019-

IPR2017-00626 (Patent 6,363,345)
Declaration of Andrew P. Zappia

01360, IPR2019-01361, IPR2019-01220, IPR2019-01221, IPR2019-01228,
IPR2019-01254, IPR2019-01255, IPR2019-01256, IPR2019-01257, IPR2019-
01262, IPR2019-01513, IPR2019-01515, IPR2019-015158, IPR2019-01520,
IPR2019-01521, IPR2019-01522, IPR2019-01636, and IPR2019-01637.

10. I have also put in a limited appearance on behalf of a non-party in related matter *In re Certain Audio Processing Hardware, Software, and Products Containing the Same*, United States International Trade Commission, Inv. No. 337-TA-1026.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 30, 2020

Respectfully submitted,



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