

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc.,
Petitioner

v.

California Institute of Technology
Patent Owner

IPR2017-00728
U.S. Patent No. 7,421,032

**DECLARATION OF MARK D. SELWYN IN SUPPORT OF MOTION FOR
ADMISSION *PRO HAC VICE***

Apple v. Caltech

I, Mark D. Selwyn, declare as follows:

1. I was admitted to the Bar of the Commonwealth of Massachusetts and the New York State Bar in 1994, and the Bar of the State of California in 2006, and have been practicing law for over 20 years. For most of my career, my practice has focused on the field of intellectual property, and particularly, patent litigation.

2. I am a member in good standing of the Massachusetts Bar, the New York State Bar, and the State Bar of California, and am admitted to practice before the U.S. Courts of Appeals for the First Circuit and the Federal Circuit, the U.S. District Courts for the District of Massachusetts, the Northern District of California, the Central District of California, and the Southern District of California.

3. My Massachusetts Bar membership number is 565595. My New York State Bar membership number is 2637221. My State Bar of California membership number is 244180.

4. Over the course of my career, I have been counsel in dozens of patent litigations. Several of these cases have concerned Patent Office rules and regulations. For example, I litigated a number of cases concerning the duty of candor to the Patent Office embodied in 37 C.F.R. §1.56. Cases that I have been involved in which implicate this rule include *Cal. Inst. of Tech. v. Broadcom Ltd.*,

et al., Civ. No. 2:16-cv-3714-GW (AGRx) (C.D. Cal. 2017) (the “Caltech litigation”, which is a related matter to this proceeding).

5. I have never been suspended or disbarred from practice before any court or administrative body.

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

7. I have never had any sanctions or contempt citations imposed on me 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, as set forth in 37 C.F.R. Part 42.

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. Within the last three years, I have not been admitted to appear *pro hac vice* in any proceedings before the United States Patent and Trademark Office.

11. I am familiar with the subject matter at issue in this proceeding. I have reviewed U.S. Patent No. 7,421,032 (the “’032 patent”), which is being challenged in this proceeding, as well as its file history, the Petition, the Institution Decision, and the exhibits in this proceeding. I have also reviewed and am familiar with the relevant prior art.

12. Beginning in 2016 and continuing until the present, I have represented Petitioner Apple Inc. in the Caltech litigation, which is a related matter to this proceeding. The validity of the ’032 patent is a contested issue in the Caltech litigation. The validity of other patents in the same patent family as the ’032 patent over some of the prior art raised in this proceeding are also contested issues in the Caltech litigation.

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 the 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,

/s/ Mark D. Selwyn
Mark D. Selwyn

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U.S. Patent No. 7,421,032

Dated: October 24, 2017

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