

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner

Case IPR2017-02202
Patent No. 8,239,852

**DECLARATION OF LUANN L. SIMMONS IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION PURSUANT
TO 37 C.F.R. §42.10(C)**

I, Luann L. Simmons, declare as follows:

1. I am a Partner with the law firm of O'Melveny & Myers LLP. I represent and advise Petitioner Apple Inc. ("Apple") in connection with the above-captioned *inter partes* review ("IPR") proceeding on the patent at issue in this IPR, U.S. Patent No. 8,239,852 ("the '852 Patent").

2. I have been a member in good standing of the Bar of the State of California since 1999. My California State Bar number is 203526. I am also admitted to practice before numerous state and federal courts, including:

- a. US Supreme Court (admitted March 2003);
- b. US Court of Appeals, Federal Circuit (admitted April 2003);
- c. US Court of Appeals, Ninth Circuit (admitted January 2000);
- d. US District Court, California Central (admitted March 2003);
- e. US District Court, California Eastern (admitted June 2000);
- f. US District Court, California Northern (admitted December 1999);
- g. US District Court, California Southern (admitted September 2010); and
- h. US District Court, Wisconsin Western (admitted December 2007).

3. I have over 18 years of experience practicing patent and technology related litigation. I have litigated numerous patent cases across the country, including in California, Delaware, Oregon, Wisconsin, and Texas, and litigated many of them through both trial and appeal.

4. I am familiar with the subject matter at issue in this proceeding. I have supervised and been actively involved in the present IPR proceeding regarding the '852 Patent. I have reviewed the patent and the prior art being asserted in this IPR proceeding.

5. Moreover, I have advised Petitioner on strategy regarding Petitioner's affirmative arguments in this IPR proceeding, supervised the drafting of the petition, reviewed the accompanying Declaration of Mr. Geier, and worked with Petitioner to find and identify the references relied upon in the petition and to draft other submissions to the Office.

6. I have represented clients in connection with many patent litigations regarding technology similar to that at issue in this IPR.

7. Specifically, I have been lead counsel for Petitioner in district court litigations involving technology similar to that at issue in this IPR, which relates generally to software security systems, such as *OpenTV, Inc. and Nagravision, SA v. Apple Inc.*, Case No. 3:14-cv-01622-HSG (N.D. Cal.). I have also been counsel *pro hac vice* for Petitioner in Board proceedings involving similar technologies.

8. I have not been suspended or disbarred from practice before any court or administrative body. I have never had an application for admission to practice before any court or administrative body denied. No sanction or contempt citation has been imposed against me by any court or administrative body.

9. 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 37 C.F.R.

10. I agree to and will 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).

11. I have applied to, and was admitted to, appear *pro hac vice* before the Board in the following proceedings in the last three years:

- IPR2015-00971;
- IPR2015-00980;
- IPR2015-00969;
- IPR2015-01031.

12. I have pending motions for *pro hac vice* admission in IPR proceeding Nos. 2017-01914, 2017-01993, and 2017-02041, which involve patents asserted by the Patent Owner of the '852 Patent in the same co-pending district court litigation (*Uniloc USA, Inc. et al. v. Apple Inc.*, No. 2:17-cv-258-JRG (E.D. Texas)).

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. I further declare 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 and that such

willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: November 7, 2017

/s/ Luann L. Simmons

Luann L. Simmons
O'Melveny & Myers LLP