

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,

Petitioner

- vs. -

FALL LINE PATENTS, LLC,

Patent Owner

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Case IPR2018-00043

U.S. Patent No. 9,454,748

DECLARATION OF KEVIN JAKEL

I, Kevin Jakel, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am the Chief Executive Officer and Co-Founder of Unified Patents, Inc. (“Unified”).

2. I provide this Declaration in connection with the above-identified *inter partes* review proceeding. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Unified endeavors to deter non-practicing entity (NPE) patent litigation by protecting technology sectors that may be impacted by such NPE assertions of poor-quality patents. Companies in a technology sector subscribe to Unified’s technology-specific deterrence. Unified performs many NPE-deterrent activities, including data analytics, prior art searching, prior art contests, validity and patentability analyses, and post-grant review requests. Unified’s members do not pay any fees designated for IPRs. Unified’s members do not pay any fees for IPRs against specific patents. Unified alone determines how to spend its money. Unified independently selects which patents to target based on the perceived deterrent value to a technology zone. Based on its own independent analysis, Unified determines which patents are worth pursuing in terms of filing an IPR or performing some other activity. Unified does not work for members to resolve their litigations. For example, Unified filed this IPR without insight, input, or direction from its members. There are no explicit or implicit agreements with its members that direct or influence Unified to perform any particular deterrent strategy, including filing this IPR.

4. Unified is not an extension of any member's in-house legal team. Unified has no attorney-client relationship, and never has had an attorney-client relationship, with its members. Unified has advertised this lack of an attorney-client relationship publicly on its website for years. <https://www.unifiedpatents.com/faq/> ("Unified is not a law firm, and does not have an attorney-client relationship with members.").

5. No Unified member made a significant payment shortly before the petition was filed. Many members pay no fee, and paying members pay a yearly subscription that is designated for one or more technology zones, not particular patents or IPRs. The annual fee paid by members is invoiced to each member on a 12-month cycle depending on when each member joined Unified. Thus, a member's payment or non-payment to Unified cannot and does not affect Unified's ability to file its IPRs independently, and a member's payment or non-payment to Unified does not influence whether Unified files an IPR challenging a particular patent.

6. Unified establishes its Zones, and then members chose to join. Members do not direct or otherwise participate in the establishment of Zones.

7. Unified and its members do not share any individuals on their respective boards of directors and have no corporate relationships with its members beyond its membership agreements.

8. There was no offer to members or request by them for Unified to reach out to Fall Line Patents, LLC concerning the '748 patent or the district court

litigations involving the patent. Unified did not file this IPR for the desire, payment, or benefit of any particular member, or at the behest of any member.

9. Unified did not communicate with any member to ascertain their desires and coordinate strategies and it did not take last-minute efforts to avoid an express statement of coordination. Indeed, Unified never communicates with any companies regarding IPR or litigation strategy, and did not do so here.

10. Unified never communicates with members regarding whether or not it will file an IPR and did not do so here.

11. Unified does not know their members' litigation strategies, as Unified has no attorney-client relationship or joint defense group with its members and does not coordinate with its members.

12. No outside party, including any member, made Unified aware of the '748 Patent, Fall Line, or Fall Line's patent litigation.

13. Unified challenges patents that are asserted in its Zones even when only non-members are involved in litigation and challenges unlitigated patents.

14. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and 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.

Date: January 31, 2019

Respectfully submitted,

*Kevin Jakel*  
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Kevin Jakel  
CEO Unified Patents, Inc.