

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,

Petitioner

v.

VILOX TECHNOLOGIES LLC,

Patent Owner

Case IPR2018-00044

Patent No. 7,302,423 B2

**DECLARATION OF CECIL E. KEY
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE***

I, Cecil E. Key, declare as follows:

1. My name is Cecil E. Key, and my professional address is 1750 Tysons Blvd., Suite 1500, Tysons Corner, Virginia. I am over the age of 18, and I make this declaration based on my personal knowledge.

2. I am an attorney licensed and admitted to practice in the Commonwealth of Virginia, and the District of Columbia, where I have been admitted since 1996 and 1997, respectively. I am a member in good standing of both the Virginia Bar and the Bar of the District of Columbia. I practice in the field of intellectual property, including patent litigation, and have done so for over twenty (20) years.

3. I am admitted to practice before the Courts of Appeal for the First, Fourth and Federal Circuits, the United States District Courts for the Eastern District of Virginia, the District of Columbia and the District of Colorado, and all state courts in Virginia and the District of Columbia. I have also been admitted to practice and have appeared *pro hac vice* before, among others, the United States District Courts for the District of Massachusetts, the Southern and Western Districts of New York, the Southern District of California, the District of Maryland, the District of Delaware and the Eastern and Western Districts of Texas.

4. I have also appeared before the United States International Trade Commission, and have practiced and continue to practice regarding trademark

matters before the United States Patent and Trademark Office, and the Trademark Trial and Appeal Board.

5. I am a member of the American Bar Association and the American Intellectual Property Law Association.

6. I have extensive experience in litigating patent infringement matters. I have been litigating patent infringement cases since my admission to the bar in 1996. I have served as lead counsel in such cases, including recent cases in the Eastern District of Texas and the District of Delaware, and have appeared before the Court of Appeals for the Federal Circuit numerous times regarding appeals in patent infringement cases.

7. I have never been suspended, disbarred, sanctioned or cited for contempt by any court or administrative body.

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

9. 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 Part 42 of the C.F.R.

10. 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).

11. I have previously been granted admission *pro hac vice* in the matter of *Salesforce.com, Inc. v. VirtualAgility Inc.*, CBM2013-00024 and participated in trial in that matter before the Patent Trial and Appeal Board. I have not applied to appear *pro hac vice* before the Office in any other proceeding in the last three (3) years.

12. I am familiar with the subject matter at issue in this proceeding. I served as lead counsel to Vilox in the following matters in which the Vilox patents were asserted: *Vilox Technologies LLC v. The Priceline Group, Inc., et al.*, No. 2:15-cv-01460 (E.D. Tex.); *Vilox Technologies LLC v. Orbitz Worldwide, Inc., et al.*, No. 2:15-cv-01459 (E.D. Tex.); *Vilox Technologies LLC v. Expedia, Inc. et al.*, No. 2:15-cv-01457 (E.D. Tex.); *Vilox Technologies LLC v. Express, Inc., et al.*, No. 2:15-cv-02025 (E.D. Tex.); *Vilox Technologies LLC v. Costco Wholesale Corp.*, No. 2:15-cv-02019 (E.D. Tex.); and *Vilox Technologies LLC v. Mindgeek USA, Inc.*, 2:16-cv-01278 (E.D. Tex.). I have also represented Vilox in patent license negotiations regarding its patent portfolio.

13. As a result, I have read and am familiar with the patent at issue in this proceeding and its file history, as well as the prior art and other arguments that have been asserted by petitioner.

14. I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746,

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

Dated: May 14, 2018

Respectfully submitted,

/s/ Cecil E. Key

Cecil E. Key

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