

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTERN DIGITAL CORPORATION,
Petitioner

v.

SPEX TECHNOLOGIES, INC.
Patent Owner

CASE NO: IPR2018-00082
U.S. PATENT: 6,088,802

**DECLARATION OF FRANK P. COTÉ
IN SUPPORT OF PETITIONER'S UNOPPOSED
MOTION FOR PRO HAC VICE ADMISSION**

I, Frank P. Coté, declare as follows:

1. I am an attorney licensed to practice law in the State of California.
2. I am Of Counsel at the law firm of Gibson Dunn & Crutcher LLP and have litigated cases relating to patents for the past 18 years.
3. I am a member in good standing of the State Bar of California, among other courts, including the U.S. District Courts for the Central, Northern, Southern, and Eastern Districts of California; the Eastern District of Texas; and the United States Courts of Appeals for the Ninth and Federal Circuits.
4. I am a member of good standing in all jurisdictions in which I have been admitted to practice.
5. I have never been suspended or disbarred from practice before any court or administrative body.
6. I have never had an application denied for admission to practice before any court or administrative body.
7. I have never had any sanctions or contempt citations imposed against me by a 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 set forth in part 42 of 37 C.F.R.

9. I agree to 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).

10. In the last 3 years, I have not appeared *pro hac vice* before the Patent Trial and Appeal Board.

11. I have an established familiarity with the subject matter at issue in this proceeding. As an initial matter, I have worked closely with Brian M. Buroker, lead counsel for Petitioner in this matter.

12. Additionally, I am familiar with the matters involved in and implicated by these proceedings, including U.S. Patent No. 6,088,802 (“the ’802” patent”) and its file history, the prior art presented in the petition, and the legal and factual issues raised by Petitioner in this proceeding. I am also counsel of record for Petitioner in a co-pending district court litigation, *SPEX Technologies, Inc. v. Western Digital Corporation, et al.*, Case No. 8:16-cv-01799-JVS-AGR (Central District of California – Southern Division), in which the ’135 patent is asserted. Through that litigation, I have acquired substantial understanding of the underlying legal and technological issues at stake in this proceeding.

I hereby declare that all statements made herein based on my own knowledge are true; that all statements made on information and belief are believed to be true; and further that all statements herein are 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.

DATED: September 27, 2018

Respectfully submitted,

/s/ Frank P. Cote

Frank P. Cote (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
3161 Michelson Drive
Irvine, CA 92612-4412
Tel: 949.451.4090
fcote@gibsondunn.com