

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ZTE (USA) INC.,

Petitioner

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,

Patent Owner

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**DECLARATION OF CHARLES M. MCMAHON IN SUPPORT OF  
PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE**

Case No. IPR2018-00274  
Patent 7,834,586 B2

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Before BRYAN F. MOORE, JON B. TORNQUIST, AND  
ARTHUR M. PESLAK, *Administrative Patent Judges*

I, Charles M. McMahon, declare as follows:

1. I am an attorney admitted to this Court in the above captioned matter.

I am a partner at McDermott Will and Emery, and I represent ZTE (USA) Inc. (“ZTE”) in this matter.

2. If called as a witness, I could and would competently testify to all facts within my personal knowledge except where stated upon information and belief.

3. This declaration is submitted in support of Petitioner’s Response to Order to Show Cause.

4. Petitioner’s counsel filed a Request for Rehearing (Paper No. 18) in this case via the E2E filing portal on September 28, 2018.

5. Petitioner’s counsel received a confirmation email indicating that the Request for Rehearing had been successfully filed on September 28, 2018.

6. Attached as Exhibit A is a true and correct copy of Petitioner’s Request for Rehearing Filing Confirmation dated September 28, 2018.

7. Petitioner’s counsel served a copy of the Request for Rehearing (Paper No. 18) in this case on Patent Owner’s counsel via email on September 28, 2018.

8. Attached as Exhibit B is a true and correct copy of the Service Email of Petitioner’s Request for Rehearing, served upon Patent Owner’s counsel on

September 28, 2018.

9. Petitioner's counsel subsequently received a telephone message from the Board indicating that the September 28, 2018 submission was missing an attachment.

10. Petitioner's counsel re-filed the Request for Rehearing originally submitted on September 28, 2018 on October 10, 2018, except that the caption was updated to: "Petitioner's Request for Rehearing (originally submitted on 9/28/18)".

11. Attached as Exhibit C is a true and correct copy of Petitioner's Request for Rehearing Re-Filing Confirmation dated October 10, 2018.

12. Attached as Exhibit D is a true and correct copy of Petitioner's Request for Rehearing filed on September 28, 2018.

13. Attached as Exhibit E is a true and correct copy of Petitioner's Request for Rehearing re-filed on October 10, 2018.

14. The Request for Rehearing filed on September 28, 2018 is identical in all respects to the Request for Rehearing filed on October 10, 2018, with the exception of the updated caption indicated in paragraph 10 above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: October 18, 2018 at Chicago, IL



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Charles M. McMahon  
Reg. No. 44,926

# Exhibit A

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