

UNITED STATES PATENT AND TRADEMARK OFFICE

-----

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

UNILOC 2017 LLC,

Patent Owners.

-----

Case IPR2018-00282

Patent 7,092,671

-----

Declaration of Marc Breverman

I, Marc Breverman, declare:

1. I am employed as Corporate Counsel, Patent Litigation at Apple Inc. (“Apple”).
2. On May 31, 2017, Apple was served with a complaint by Uniloc USA, Inc. and Uniloc Luxembourg, S.A, which plead infringement of U.S. Patent No. 7,092,671 (the “’671 Patent”). No. 2:17-cv-00457-JRG (E.D. Tex.), Dkt. 1. On December 6, 2017, Apple filed a petition for *inter partes* review, designated as IPR2018-00282 (the “Apple IPR”).
3. From my review of the docket on the Patent Trial and Appeal Board End to End website, on December 11, 2017, Unified Patents, Inc. (“Unified Patents”) filed a petition for *inter partes* review, designated as IPR2018-00199. On December 12, 2017, Apple first became aware that Unified Patents knew of the ’671 Patent, and had filed a petition for *inter partes* review of the ’671 Patent, by way of the email attached hereto as Exhibit 1.
4. I am the member of the Apple in-house legal team responsible for supervising the preparation and filing of the Apple IPR. Apple solely financed the Apple IPR. Apple solely controlled all aspects of the Apple IPR, including the selection of the prior art, the formulation of the grounds, and the development of the positions. Apple did not inform Unified Patents of Apple’s interest in the ’671 Patent, of the prior art to be used in the Apple IPR, or of the grounds to be used in the Apple IPR. Apple did not provide to Unified Patents any drafts materials that became the Apple IPR.
5. Apple did not solicit any input from Unified Patents with respect to the Apple IPR. Apple did not receive any contributions, financial or otherwise, from Unified Patents with respect to the preparation or filing of the Apple IPR. Apple received no information from Unified Patents with respect to the Apple IPR. Apple received no instructions from Unified Patents that Apple should file the Apple IPR.
6. I declare that all statements made herein of my own knowledge are 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 18 U.S.C. § 1001.

Dated: December 27, 2018

  
\_\_\_\_\_  
Marc Breverman

# EXHIBIT 1

**Subject:** Another Uniloc patent challenged as likely invalid

**From:** "Robert Jain" <rjain@unifiedpatents.com>

**Received(Date):** Tue, 12 Dec 2017 15:01:25 -0800

**To:** <cwheeler@apple.com>

---

On December 11, 2017, Unified filed a petition for *inter partes* review (IPR) against [U.S. Patent 7,092,671](#) owned and asserted by [Uniloc Luxembourg, S.A.](#) and [Uniloc USA](#) (collectively "Uniloc"), a well-known NPE responsible for filing 95 new patent litigations since January 2017. The '671 patent, directed to a "system where a user\*s handheld computer could automatically dial a telephone number stored in its memory by interacting with a telephone" has been asserted in district court against [Apple](#) and [Samsung](#).

To read the petition and view the entire case proceeding, see our [PTAB Portal](#).

Thank you,

Unified Patents