

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIRIUS XM RADIO INC.,

Petitioner,

v.

FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER
ANGEWANDTEN FORSCHUNG E.V.,

Patent Owner.

Case IPR2018-00690
U.S. Patent No. 6,314,289

**AFFIDAVIT OF MARK A. BAGHDASSARIAN IN SUPPORT OF MOTION
FOR *PRO HAC VICE* ADMISSION**

1. I, Mark A. Baghdassarian, am more than twenty-one years of age, am competent to present this affidavit, and have personal knowledge of the facts set forth herein.

2. This affidavit is given in support of the Motion by Petitioner Sirius XM Radio Inc. (“Sirius XM” or “Petitioner”) for *Pro Hac Vice* Admission of Mark A. Baghdassarian.

3. I am a partner in the Intellectual Property Department in the New York office of the law firm Kramer Levin Naftalis & Frankel LLP.

4. I have been practicing law since 1999 and have extensive experience litigating patent infringement cases in many different district courts across the United States.

5. My experience in patent litigation matters includes multiple trials, *Markman* hearings, patent summary judgment proceedings, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and infringement issues.

6. I am a member in good standing of the State Bar of New York and the State Bar of Connecticut. I have never been suspended or disbarred from practice before any court or administrative body. However, I did receive an administrative suspension for a misunderstanding on the payment of fees to the State of

Connecticut. Once this payment of fees was resolved, the administrative suspension was promptly lifted.

7. No court or administrative body has ever denied my application for admission to practice before it.

8. No court or administrative body has imposed sanctions or contempt citations on me.

9. 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 of C.F.R.

10. I understand that I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.P.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.P.R. § 11.19(a).

11. I have not applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years.

12. I have an established familiarity with the subject matter at issue in this proceeding. I am one of Sirius XM's lead trial counsel in the co-pending district court litigation, *Fraunhofer-Gesellschaft Zur Forderung der angewandten Forschung e.V. v. Sirius XM Radio Inc.*, Civil Action No. 1:17-cv-00184 (D. Del.) (the "District Court Litigation"), which involves the same patent at issue in this proceeding (U.S. Patent No. 6,314,289 (the "289 Patent")). As lead counsel, I

have been actively involved in all aspects of the District Court Litigation including Petitioner's factual investigation and development of its noninfringement and invalidity positions regarding the claims of the '289 Patent being challenged in this proceeding.

13. I have also substantively reviewed all materials filed in the *Inter Partes* Review and have been engaged with Petitioner Sirius XM's actions involved in this *Inter Partes* Review to date.

14. I am thus very familiar with the '289 Patent and the issues involved in this case.

Respectfully submitted,

/Mark A. Baghdassarian
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