

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,  
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,  
Patent Owner.

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Case IPR2018-00952  
Patent No. 9,253,239

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**DECLARATION OF MICHAEL SHANAHAN**

**Bradium Exhibit 2037**

I, Michael Shanahan, declare as follows:

1. I am the General Counsel of Bradium Technologies LLC (“Bradium”), the patent owner in this *inter partes* review. I am also the General Counsel of General Patent Corporation, which is the managing member of Bradium. I have filed an appearance in this IPR as back-up counsel. I am an experienced patent litigation and licensing attorney. Prior to joining General Patent Corporation, I was a litigation partner at the law firm of McDermott, Will and Emery.

2. I make this declaration in order to provide some information about Bradium’s licensing activities for the patent at issue in this IPR, namely, US Patent No. 9,253,239. Such activities may, as I understand it, be relevant to whether certain entities in addition to petitioner Unified Patents are real parties in interest in this IPR.

3. The ‘239 patent is one of several Bradium patents that in general relate to images sent over a network connection to a small client, such as a mobile phone, or over a limited bandwidth channel, such as wireless. The technology has particular application to map images, which are large-scale images that typically involve higher levels of data density and size. The ‘239 patent background states: “In common application, the images may be geographic, topographic, and or other highly detailed maps.” (Col. 1, ll. 39-41).

4. As the General Counsel of both Bradium and GPC, my responsibilities on behalf of Bradium have included efforts to license the '239 patent along with other Bradium patents to companies that are involved in providing map images over wireless connections.

5. Most prominent of these companies include: Apple, which offers Apple Maps; Google, which offers Google Maps; and Microsoft, which offers Bing Maps. They are obvious candidates for licensing because it is well-known to any cell phone user or computer user in the United States that Apple Maps is the default map service on Apple phone and computer products; Google Maps is commonly the default map service for Android (Google) phone products and is also frequently used on other devices as well; and Bing Maps is the default map service for Microsoft Windows and previously was the default map service for Windows phones. I am providing links to some web pages that confirm my own understanding, and that would be accessible to anyone seeking basic information about web map services providers.

[https://en.wikipedia.org/wiki/Apple\\_Maps](https://en.wikipedia.org/wiki/Apple_Maps).

<https://thenextweb.com/insider/2010/09/16/big-surprise-microsoft-makes-bing-maps-default-in-windows-phone-7-sdk/>

<https://360.here.com/2015/01/29/swap-google-maps-here-android/>

<https://www.statista.com/statistics/865413/most-popular-us-mapping-apps-ranked-by-audience/>

The last entry, from statista.com, indicates that Google is by far the company whose map products (Google Maps and Waze) collectively are used most frequently, followed in second place by Apple.

6. On behalf of Bradium, I have approached all three companies regarding a license to the ‘239 patent among other Bradium patents.

7. In the case of Microsoft, Bradium filed a lawsuit in 2015 after prior efforts to discuss a license proved fruitless. In the course of that suit, Microsoft filed IPR petitions against several Bradium patents, including the ‘239 patent at issue here. The suit was settled in October 2017, as the Board will be aware because the settlement documents were submitted to the Board in connection with Microsoft’s pending IPRs. My understanding is that prior to filing the IPR in this matter, Unified Patents was aware of Bradium’s suit against Microsoft and the prior IPRs filed by Microsoft, because the current IPR on the ‘239 patent is almost a duplicate of the prior IPR on that patent filed by Microsoft.

8. In the case of Apple, Bradium has had several licensing discussions and communications, beginning in May 2014. The discussions have included telephone discussions, in-person meetings, and written communications. I personally have participated in those discussions. In the course of the most recent

discussions, occurring within the last two months, the IPR petition filed herein by Unified Patents was a subject of discussion.

9. In the case of Google, Bradium has also had several licensing discussions and communications, beginning in May 2014. The discussions have included telephone discussions, in-person meetings, and written communications. I personally have participated in those discussions.

10. Prior to the filing of Unified Patents' IPR petition in this matter, I received a telephone call from Mr. Jonathan Stroud and Mr. Roshan Mansinghani, counsel for Unified, in which they indicated that they were reviewing Bradium's patents with a view towards potentially filing an IPR petition. It was either in that call or in a subsequent call that they asked Bradium to agree to enter into a Unified standard zero dollar license. I informed Mr. Stroud and Mr. Mansinghani that Bradium had recently settled its litigation against Microsoft, including licensing the portfolio to Microsoft for an amount greater than zero dollars, and that Bradium would not agree to Unified's proposal. Unified's representatives then suggested absent such a license, that they would proceed with the IPR against Bradium.

I hereby declare that all the statements made in this Declaration are of my own knowledge and true; that all statements made on information and belief are

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