

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GOOGLE LLC,  
Petitioner

v.

AGIS SOFTWARE DEVELOPMENT, LLC.  
Patent Owner

---

Case IPR2018-01079  
Patent No. 8,213,970 B2

---

**DECLARATION OF MICHAEL A. BERTA IN SUPPORT OF  
PETITIONER GOOGLE'S MOTION FOR  
*PRO HAC VICE* ADMISSION**

Google 1021

**DECLARATION OF MICHAEL A. BERTA IN SUPPORT OF  
PETITIONER GOOGLE'S MOTION FOR *PRO HAC VICE* ADMISSION**

I, Michael A. Berta, declare as follows:

1. I am a Partner with the law firm of Arnold & Porter Kaye Scholer LLP.

I represent and advise Petitioner Google Inc. ("Google") in connection with the above-captioned *inter partes* review ("IPR") proceeding. I also represent Petitioner's identified real party in interest, LG Electronics Inc., in connection with the underlying district court litigation (*AGIS Software Development, LLC v. LG Electronics Inc.*, 17-cv-515-JRG (E.D. Tex.)) on the patent at issue in this IPR proceeding, 8,213,970 ("the '970 patent").

2. I have been a member in good standing of the Bar of the State of California since 1998. My California State Bar number is 194650. I am also admitted to practice before numerous federal courts:

- a. U.S.D.C. for the Northern District of California (since 2000);
- b. U.S.D.C. for the Southern District of California (since 2011);
- c. U.S.D.C. for the Central District of California (since 2005);
- d. U.S.D.C. for the District of Columbia (since 2009);
- e. U.S.D.C. for the Eastern District of Texas (since 2012);
- f. U.S.D.C. for the District of Colorado (since 2011);
- g. U.S.D.C. for the Federal Circuit (since 2001);
- h. U.S. Court of Appeals for the First Circuit (since 2009);

- i. U.S. Court of Appeals for the Ninth Circuit (since 2009); and
- j. U.S. International Trade Commission (since 2005).

3. I practice litigation, primarily patent litigation, and have done so throughout my career as an attorney. I have litigated dozens of patent cases across the country, including in California, Delaware, Texas, Washington D.C., Colorado, and New York. A copy of my biography is provided as Appendix A.

4. I have been actively involved in the present IPR proceeding regarding the '970 patent, as well as related IPR proceedings involving U.S. Patent No. 9,408,055, Case No. IPR2018-01080; U.S. Patent No. 9,467,838, Case No. IPR2019-00403 (related IPR2018-00819), for which Petitioner is also seeking my admission *pro hac vice*. I have extensively reviewed the '970 patent, its prosecution history and related materials, and the Patent Owner's infringement contentions served in the litigation against Petitioner's real party in interest identified in the IPR proceedings. I have gained significant familiarity with the claim construction issues (implicit and explicit) in those cases, including the Patent Owner's asserted claim scope as disclosed in its infringement contentions served in the litigation. These issues significantly overlap with the corresponding issues in these IPR proceedings. Moreover, not only have I reviewed and understand the '970 patent and its corresponding file history, but my work in the concurrent litigation has also resulted in my detailed review of the Petition for *Inter Partes* Review (including the proposed

invalidity grounds therein, the cited references, and exhibits), the accompanying Declaration of David H. Williams, the Patent Owner's Preliminary Response, and the Board's Decision instituting *Inter Partes* Review in each of the IPR proceedings for which Petitioner is seeking my admission *pro hac vice* (e.g., Case Nos. IPR2018-01079, -01080 and IPR2019-00403).

5. In all of these IPR proceedings, I have advised Petitioner on strategy regarding Petitioners' affirmative arguments and Petitioners' counterarguments to the Patent Owner's positions. And, for the present IPR proceeding and for the other related IPR proceedings, I have worked with Petitioner and with lead counsel and backup counsel named in these IPR proceedings to identify and analyzed the references relied upon in the petitions and to draft the petitions and other submissions to the Office.

6. The prior art references at issue in the IPR proceedings are also at issue in the underlying litigation in the case against Petitioner's real party in interest, and I have reviewed a vast amount of additional, related prior art for the invalidity contentions, many of which are implicated in the district court litigation.

7. Since 2011, I have represented Petitioner in connection with multiple patent litigations regarding various software and hardware technologies, including, but not limited to, messaging and notification systems and applications at issue in this IPR, which relates generally to forced message alerts for interactive remote

communications, as well as Petitioner's products. This includes the following litigations:

- a. *Clouding IP LLC v. Google Inc.*, Case No. 12-cv-00639- LPS (D. Del.):  
I represented Google as counsel of record concerning nine patents-in-suit: U.S. Patent Nos. 7,596,784 ("Method system and apparatus for providing pay-per-use distributed computing resources"); 7,065,637 ("System for configuration of dynamic computing environments using a visual interface"); 7,032,089 ("Replica synchronization using copy-on-read technique"); 6,738,799 ("Methods and apparatuses for file synchronization and updating using a signature list"); 5,495,607 ("Network management system having virtual catalog overview of files distributively stored across network domain"); 5,825,891 ("Key management for network communication"); 6,925,481 ("Technique for enabling remote data access and manipulation from a pervasive device"); 7,254,621 ("Technique for enabling remote data access and manipulation from a pervasive device"); and 6,963,908 ("System for transferring customized hardware and software settings from one computer to another computer to provide personalized operating environments").

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.