

**DECLARATION OF MARC A. FENSTER IN SUPPORT OF MOTION TO
APPEAR PRO HAC VICE ON BEHALF OF PATENT OWNER
COREPHOTONICS, LTD.**

I, Marc A. Fenster. do hereby declare:

1. I am a partner at the firm of Russ August & Kabat, where I am co-chair of the Litigation Department and head of the Intellectual Property Department.
2. I am a member in good standing of the State Bar of California.
3. I have not been suspended or disbarred from practice before any court or administrative body.
4. I have never had an application for admission to practice before any court or administrative body denied.
5. No sanction or contempt citation has been imposed against me by any court or administrative body.
6. 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 Title 37 Code of Federal Regulations.
7. I acknowledge that I will be subject to the U.S. Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101, *et seq.* and to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
8. During the last three years, I have applied to appear *pro hac vice* in the following proceedings before the Office:

- *Southside Bancshares, Inc., etc. v. St. Isidore Research, LLC*, No. CBM2016-00026 (P.T.A.B. filed Jan. 29, 2016). The Office granted this motion to appear *pro hac vice*;
- *Southside Bancshares, Inc., etc. v. St. Isidore Research, LLC*, No. CBM2016-00027 (P.T.A.B. filed Jan. 29, 2016). The Office granted this motion to appear *pro hac vice*;
- *Medtronic, Inc., etc. v. Neurovision Medical Products, Inc.*, No. IPR2016-01405 (P.T.A.B. filed July 11, 2016). The Office granted this motion to appear *pro hac vice*; and
- *Medtronic, Inc., etc. v. Neurovision Medical Products, Inc.*, No. IPR2016-01406 (P.T.A.B. filed July 11, 2016). The Office granted this motion to appear *pro hac vice*.

9. I am a technically trained and experienced patent litigation attorney and hold bachelor's and master's degrees in engineering. I have practiced patent litigation since 1995, and have litigated numerous patent infringement litigation matters in the U.S. district courts and before the U.S. Court of Appeals for the Federal Circuit. I have experience in trials, *Markman* hearings, and in Federal Circuit oral arguments.

10. I represent Patent Owner Corephotonics, Ltd. as a principal attorney in the co-pending litigation in which U.S. Patent No. 9,538,152 B2 is asserted against Petitioner Apple, Inc. I have an established familiarity with the subject matter in this

proceeding as a result of my role in the development and preparation of claim construction positions and responses to Petitioner's invalidity defenses, which overlap to a significant extent with the grounds for unpatentability presented in the Petition for *Inter Partes Review* in IPR2018-01133.

11. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be 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: January 17, 2019

Respectfully submitted,



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