

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Intel Corporation
Petitioner

v.

Qualcomm Incorporated
Patent Owner

IPR2018-01240
U.S. Patent No. 8,698,558

**DECLARATION OF JAMES M. DOWD IN SUPPORT OF MOTION FOR
ADMISSION *PRO HAC VICE***

INTEL v. QUALCOMM
IPR2018-01240

I, James M. Dowd, declare as follows:

1. I was admitted to the Virginia State Bar in 1997 and have been practicing law for over 21 years. During the entire time that I have been practicing law, my practice has focused on the field of intellectual property, and particularly, patent litigation.

2. I am a member in good standing of the Virginia State Bar, the District of Columbia Bar, and the State Bar of California, and am admitted to practice before the Supreme Court of the United States, the United States Court of Appeals for the Federal Circuit, the Ninth Circuit, and the Fourth Circuit, and the United States District Courts for the Central District of California, the Northern District of California, the Southern District of California, the Eastern District of California, and the Eastern District of Virginia.

3. My Virginia State Bar membership number is 41406. My District of Columbia Bar membership number is 465230. My State Bar of California membership number is 259578.

4. Over the course of my career, I have been counsel in dozens of patent litigations. Several of these cases have concerned patent office rules and regulations. For example, I litigated a number of cases concerning the duty of candor to the patent office embodied in 37 C.F.R. §1.56. Cases that I have been

involved in which implicate this rule include *Certain Mobile Electronic Devices and Radio Frequency and Processing Components Thereof*, Investigation No. 337-ITC-1065 (the “Apple ITC litigation”, which is a related matter to this proceeding); *Qualcomm Inc. v. Apple Inc.*, No. 3:17-cv-1375 (S.D. Cal.) (the “Apple litigation”, which is a related matter to this proceeding); *Cal. Inst. of Tech. v. Broadcom Ltd., et al.*, Civ. No. 2:16-cv-3714-GW (AGRx) (C.D. Cal. 2017) (the “Caltech litigation”); *Energetiq Tech., Inc. v. ASML Netherlands B.V. et al.*, Civ. No. 1:15-cv-10240-LTS (D. Mass. 2016); *Cal. Inst. of Tech. v. Hughes Commc’ns, Inc.*, Civ. No. 2:13-cv-02745 (C.D. Cal. 2014) (the “Hughes litigation”); *ASML Netherlands B.V. v. Nikon Corp.*, Civ. No. 3:02-cv-05601 (N.D. Cal. 2004); *SanDisk Corp. v. STMicroelectronics, Inc.*, Civ. No. 5:06-cv-00194 (N.D. Cal. 2006); *In the Matter of Certain NAND Flash Memory Circuits and Products Containing Same*, Inv. No. 337-TA-526 (USITC 2006); and *In the Matter of Certain NOR and NAND Flash Memory Devices and Products Containing Same*, Inv. No. 337-TA-560 (USTIC 2006).

5. I have never been suspended or disbarred from practice before any court or administrative body.

6. I have never had a court or administrative body deny my application for admission to practice.

7. I have never had any sanctions or contempt citations imposed on me by any court or administrative body.

8. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in 37 C.F.R. Part 42.

9. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

10. Within the last three years, I have been admitted to appear *pro hac vice* in the following proceedings before the United States Patent and Trademark Office:

- *Apple, Inc. v. California Institute of Technology*, Case IPR2017-00210;
- *Apple, Inc. v. California Institute of Technology*, Case IPR2017-00219;
- *Apple, Inc. v. California Institute of Technology*, Case IPR2017-00297¹;
- *Apple, Inc. v. California Institute of Technology*, Case IPR2017-00700;
- *Apple, Inc. v. California Institute of Technology*, Case IPR2017-00701;
- *Apple, Inc. v. California Institute of Technology*, Case IPR2017-00728.

11. I am familiar with the subject matter at issue in this proceeding. I have reviewed U. S. Patent No. 8,698,558 (the “558 patent”), which is being

¹ IPR2017-00423 was consolidated with IPR2017-00297.

challenged in this proceeding, as well as its file history, the Petition, the Institution Decision, and the exhibits in this proceeding. I have also reviewed and am familiar with the relevant prior art.

12. Beginning in 2017 and continuing until the present, I have represented Apple Inc. (“Apple”), which Petitioner Intel has identified as a real party-in-interest in the Apple litigation, which is a related matter to this proceeding. The validity of the ’558 patent is a contested issue in the Apple litigation.

13. I previously litigated the validity of the ’558 patent in the Apple ITC litigation. While representing Apple in the Apple ITC litigation and the Apple litigation, I participated in the drafting of briefing regarding claim construction for, and the validity of, the ’558 patent. I also took and defended expert depositions regarding the invalidity of the ’558 patent in the Apple ITC litigation and the Apple litigation.

14. I hereby 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 further that the statements are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

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