

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

QUALCOMM INCORPORATED,
Patent Owner

Case IPR2018-01281
Patent 8,768,865

**DECLARATION OF NOAH C. GRAUBART IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION**

I, Noah C. Graubart, hereby declare to the following:

1. I am a member in good standing of the State Bar of Georgia, the Supreme Court of Georgia, Court of Appeals of Georgia, the Supreme Court of the United States, the U.S. Courts of Appeals for the Second, Fifth, Ninth, Eleventh, and Federal Circuits, the U.S. District Court for the District of Colorado, the U.S. District Court for the Middle and Northern Districts of Georgia, and the U.S. District Court for the Eastern District of Texas.

2. I have not been suspended or disbarred from practice before any court or administrative body.

3. I have never had an application for admission to practice before any court or administrative body denied, subject to two exceptions. Specifically, in two instances, my application to appear *pro hac vice* in the Northern District of California was denied initially based on inadvertent omission of required information (i.e., a specific identification of “the highest court of another State” to which I am admitted). *Straight Path IP Group, Inc. v. Avaya Inc.*, No. 3:14-cv04309-WHA, Dkt. No. 16 (N.D. Cal. Oct. 30, 2014); *Straight Path IP Group, Inc. v. Avaya Inc.*, No. 3:16-cv-03459-WHA, Dkt. No. 19 (N.D. Cal. July 19, 2016). In both instances, my application to appear *pro hac vice* was subsequently granted after re-submission with the required information. *Straight Path IP Group, Inc. v. Avaya Inc.*, No. 3:14-cv-04309-WHA, Dkt. No. 20 (N.D. Cal. Oct. 31,

2014); *Straight Path IP Group, Inc. v. Avaya Inc.*, No. 3:16-cv-03459-WHA, Dkt. No. 23 (N.D. Cal. July 26, 2016).

4. No sanction or contempt citation has been imposed against me by any court or administrative body.

5. 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 the Code of Federal Regulations.

6. I will be subject to the USPTO 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).

7. In the past three years, I have applied for and received admission *pro hac vice* in IPR2018-01250 and IPR2018-01251. I am currently applying for *pro hac vice* admission in: IPR2018-01276 and IPR2018-01282.

8. I am an experienced patent litigation attorney with over thirteen years of experience representing clients in cases involving smartphone software, audio and video processing, telecommunications solutions, wireless networking, optical networking, computer hardware interfaces, and semiconductor fabrication methods. I regularly litigate patent cases before the U.S. District Courts across the country, at the U.S. International Trade Commission, as well as arguing or briefing cases in the U.S. Courts of Appeals, including at the Federal Circuit.

9. I am serving as counsel for Apple Inc. in a related matter, *Qualcomm Incorporated v. Apple Inc.*, Case No. 3:17-cv-02402-CAB-MDD, pending in the United States District Court for the Southern District of California. This related litigation involves the patent at issue in this inter partes review proceeding.

10. My biography is attached hereto as Appendix A.

11. I have read and analyzed the patent-at-issue in this proceeding, the petition, the institution decision, and cited portions of the accompanying exhibits.

12. 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 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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: April 17, 2019

/Noah C. Graubart/

NOAH C. GRAUBART

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APPENDIX A

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