

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUARDIAN ALLIANCE TECHNOLOGIES, INC.
Petitioner

v.

TYLER MILLER,
Patent Owner

Case No. IPR2020-00031

Patent No. 10,043,188

Issued: August 7, 2018

Application No.: 14/721,707

Filed: May 26, 2015

Title: BACKGROUND INVESTIGATION MANAGEMENT SERVICE

**DECLARATION OF EVAN W. TALLEY IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION PURSUANT
TO 37 C.F.R. § 42.10(C)**

GUARDIAN EXHIBIT 1034

I, Evan W. Talley, declare as follows:

1. I am a senior attorney with the law firm of Dunlap Coddling, P.C. I advise Petitioner Guardian Alliance Technologies, Inc. (“Petitioner”) in connection with the above-captioned *inter partes* review (“IPR”) proceeding involving U.S. Patent No. 10,043,188 (“the ’188 Patent”). I am one of the primary attorneys for Petitioner’s indemnitee, the City of Oklahoma City, Oklahoma, in the related district court litigation (*Miller Mendel, Inc. et al. v. The City of Oklahoma City*, Case No. 5:18-cv-00990-JWD (W.D. Okla.)), involving the ’188 Patent.

2. I have been a member in good standing of the Bar of the State of Oklahoma since 2010. My Oklahoma State Bar Number is 22923. I have also been a member in good standing of the Bar of the State of Illinois since 2018. My Illinois ARDC Number is 6326128. I am also admitted to practice before numerous federal courts, including:

- a. U.S. Court of Appeals, Federal Circuit (admitted November 2018);
- b. U.S. Court of Appeals, Tenth Circuit (admitted March 2017);
- c. U.S. District Court, Eastern Oklahoma (admitted November 2014);
- d. U.S. District Court, Western Oklahoma (admitted November 2014); and
- e. U.S. District Court, Northern Illinois (admitted November 2018).

3. I have approximately ten years of experience in patent and complex,

technology-related litigation. I have been involved in litigating numerous patent cases across the country, including in U.S. District Courts in Oklahoma, California, Texas, Illinois, Ohio, and Minnesota, such involvement including claim construction, trial, and/or appeal. In several of these cases, I have been responsible for litigating, briefing, and arguing complex claim construction and invalidity issues.

4. I am familiar with the subject matter at issue in this proceeding. I have been actively involved in the present IPR proceeding regarding the '188 Patent. I have reviewed the '188 Patent, the Patent Owner's infringement positions, and the prior art being asserted in this IPR proceeding.

5. Further, I have advised Petitioner on strategy regarding Petitioner's affirmative arguments in this IPR proceeding, supervised the drafting of the Petition, and worked with Petitioner and third parties to find and identify the prior art relied on in the Petition and to draft and prepare other submissions to the Office.

6. I have not been suspended or disbarred from practice before any court or administrative body. I have never had an application for admission to practice before any court or administrative body denied. No sanction or contempt citation has been imposed against me by any court or administrative body.

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

8. I will agree to and 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).

9. I have not previously applied for *pro hac vice* admission before the Board. However, I have been involved in the preparation of submissions in the following IPR proceedings:

- IPR2016-00593;
- IPR2016-00594;
- IPR2019-00668;
- IPR2019-00669; and
- IPR2019-00672.

10. 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. I further declare 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 statements may jeopardize the validity of the application or any patents issued thereon.

