

Case IPR2020-00202
Declaration of Michael L. Lindinger

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

MAXELL, LTD.,
Patent Owner

Case: IPR2020-00202

U.S. Patent No. 10,212,586

DECLARATION OF MICHAEL L. LINDINGER

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Michael L. Lindinger, do hereby declare as follows:

1. I am member in good standing of the Illinois and District of Columbia State Bars, and I am admitted to practice in the Courts of Appeals for the Seventh and Federal Circuits and the Northern District of Illinois, District of the District of Columbia, Southern District of Texas, Eastern District of Wisconsin.

2. I am counsel at the firm of Mayer Brown LLP. I have been a litigator of patent cases for more than 13 years. I have litigated numerous high-tech, consumer goods-related patent cases and have regularly entered appearances as counsel of record in patent cases during this time.

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

4. I have not had an application to practice before any court or administrative body denied.

5. I have had no sanctions or contempt citations 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 37 C.F.R. § 42.

7. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37

C.F.R. §11.19(a).

8. I have not applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years. I am concurrently applying to appear *pro hac vice* in IPR2020-00200 and IPR2020-00204.

9. I have significant familiarity with the subject matter at issue in this proceeding based on his work as an attorney having made an appearance in the pending district court case *Maxell, Ltd. v. Apple Inc.*, Case No. 5:19-cv-00036-RWS (E.D. Tex.), which involves a variety of smartphone/tablet functionalities, including the functionality that is at issue in this proceeding.

10. I have been actively involved in all aspects of this pending district court case, including the validity of U.S. Patent No. 10,212,586, and accordingly, have gained substantive knowledge of the patent-at-issue in this proceeding, its prosecution, and the cited prior art. I also have substantive knowledge of the patent-at-issue in this proceeding by virtue of his preparation for this proceeding.

11. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

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Dated: March 4, 2021

By: 