

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:

- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2018-01133. The Board granted this motion to appear *pro hac vice*.
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2018-01140. The Board granted this motion to appear *pro hac vice*.
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2018-01146. The Board granted this motion to appear *pro hac vice*.
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2019-00030. The Board granted this motion to appear *pro hac vice*.
- *Samsung Display Co., Ltd., v. Solas OLED Ltd.*, Case No. IPR2020-00140. The Board granted this motion to appear *pro hac vice*.
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00489. The Board granted this motion to appear *pro hac vice*.

9. I am also concurrently applying to appear *pro hac vice* in the following proceedings before the Office, which the Board has not yet had the opportunity to decide my motion to appear:

- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00487
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00860

- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00862
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00877
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00878
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00896
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00897
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00905
- *Apple Inc. v. Corephotonics, Ltd.*, Case No. IPR2020-00906

10. 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.

11. I represent Patent Owner Corephotonics, Ltd. as a principal attorney in the copending litigation in which U.S. Patent No. 10,230,898 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 IPR2020-00861.

12. 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: June 2, 2021

/Marc Fenster/

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Attorney for Patent Owner,
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