

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LBT IP I, LLC,
Patent Owner.

REVISED DECLARATION OF BRIAN S. SEAL IN SUPPORT OF
PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION PURSUANT TO 37 C.F.R. § 42.10(C)
IN IPR'S IPR2020-01189, -01190, -01191, -01192, AND -01193

1. My name is Brian S. Seal. I am over 18 years of age and competent to provide this declaration in support of Patent Owner's Motion for *Pro Hac Vice* Admission.
2. I am a member in good standing of the Bar of the District of Columbia, the U.S. District Court for the District of Columbia, the U.S. Court of Appeals for the Federal Circuit, and the Supreme Court of the United States.
3. I have never been suspended or disbarred from practicing before any court or administrative body.

4. I have never been denied admission to practice before any court or administrative body.

5. No court or administrative body has ever imposed any sanctions or contempt citations against me.

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 37 C.F.R.

7. 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).

8. I have not applied to appear *pro hac vice* in any other Office proceedings in the last three years.

9. I am an experienced patent litigator. I am a shareholder in the firm of Butzel Long PC with over 20 years of experience representing clients in patent and technology-related litigation, including matters involving similar technology to that at issue in this proceeding. I have litigated patent matters through trial and appeal and have argued complex claim construction and invalidity issues in numerous district court proceedings.

10. I am also familiar with the specific subject matter of this proceeding. I am lead counsel for Patent Owner in the related district court litigation on the patent at

issue in this inter partes review (“IPR”), U.S. Patent No. 8,497,774 (“’774 Patent”). As such, I have spent considerable time reviewing and analyzing the ’774 Patent.

11. My admission *pro hac vice* will allow Patent Owner to avoid unnecessary effort and expense in this proceeding.

12. I am subject to the Protective Order in the district court proceeding that includes a prosecution bar for any attorneys who have had access to Apple’s confidential information, including source code. See Apple Ex. 1073 at 6(b). The Protective Order expressly allows attorneys who had access to Apple’s confidential information to participate in IPR proceedings, provided that they do not participate “in drafting or amending claims.” *Id.*

13. Prior to the stay of the district court litigation, Apple produced a limited amount of confidential information and no source code. To the best of my recollection, and confirmed by a review of my time entries, I have not had access to that confidential information and thus am not barred by the Protective Order from participating in any aspect of the IPR, including claim amendments. Out of an abundance of caution, however, I have not participated and am not participating in any claim amendments in this IPR or in any other related IPR.

14. The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C.

§1001, and that such willful false statement may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the owner, and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Date: June 4, 2021

/s/ Brian S. Seal