UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Microsoft Corporation and HP Inc,
Petitioners

v.

Synkloud Technologies, LLC,
Patent Owner

Case IPR2020-01269 and -01270
U.S. Patent 9,219,780

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DECLARATION OF GREGORY J. GONSALVES
Exhibit 2040

1. I, Gregory J. Gonsalves, am over the age of eighteen (18) and otherwise competent to make this Declaration. I have personal knowledge of the facts set forth in this Declaration and am competent to testify to the same.

2. I have been retained as lead counsel by SynKloud, LLC ("Patent Owner") in connection with the above-captioned *inter partes* reviews ("IPRs").

3. I am a practicing attorney and am a member in good standing of the Bars of the State of Virginia and the District of Columbia, as well as the following courts: United States Supreme Court, United States Court of Appeals for the Federal Circuit, and the United States District Court for the Eastern District of Virginia. I am also admitted to practice before the USPTO (Registration No. 43,639).

4. The tardiness in filing the Patent Owner Responses for IPR2010-01269 and -01270 was the result of a docketing error. In the ordinary course of business, I record the due dates for all filings for IPRs and other matters before the U.S. PTO, Court of Appeals of the Federal Circuit, district courts, etc. on my docket. For IPR2020-01269 and -01270, my docket indicated that the due date for the Patent Owner Responses was July 1, 2021.

5. Around 3 pm on July 1, 2021, however, I was informed by my backup counsel, Mr. Yeasun Yoon, that according to the scheduling order, the due date for the Patent Owner Responses for both IPRs was one day earlier on June 30, 2021. I

was unaware of the docketing mistake until I was informed by Mr. Yoon. The due date for the Patent Owner response for a different IPR against the '780 patent (IPR2020-01301) was July 1, 2021. Accordingly, I believe that I had unintentionally and inadvertently entered on my docket for IPR2020-01269 and -01270 the due date for the Patent Owner Response for IPR2020-01301.

6.   Immediately after being informed of the docketing error, I began assembling for filing the Patent Owner Response along with about 35 associated exhibits and a motion to seal for each of the two IPRs. I also left a voice mail with Petitioners' lead counsel informing him of the unintentional error. I completed the filings for IPR2020-01269 and 01270 by 6 pm on July 1st and uploaded service copies of all the filed documents to a shared folder on my Box account by 6:50 pm on July 1st . After being informed by Petitioners' counsel that they were having trouble accessing my Box account, I uploaded the service copies of the files to their Sharefile storage later that evening.

7.   Shortly thereafter, two large trees fell due to a violent storm and knocked down power lines into the driveway of my home, thereby cutting the power and internet cable lines to the house. After the firemen and power company workers cleared the downed power lines to make it safe to leave the house the following day on July 2nd, I drove to a library that had internet access, sent an email to Petitioners' counsel following up on my voice mail message to ask if they

would oppose SynKloud's request to the Board to excuse the late filing and after receiving a response, sent an email to the Board reporting the unintentional error and asking the Board to excuse the late filing (Exhibit 2041).

8.   The Board authorized the filing of a motion to excuse the late filing in an email dated July 11, 2021. Exhibit 2042.

I hereby declare under penalty of perjury 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 understand that willfully false statements and the like are punishable by fine, imprisonment, or both under 18 U.S.C. §1001.

Dated: July 14, 2021

By: /s/ Gregory J. Gonsalves
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