

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and
Apple, Inc.,
Petitioner

v.

Neonode Smartphone LLC,
Patent Owner

U.S. Patent No. 8,812,993

Title: USER INTERFACE

Inter Partes Review No. IPR2021-00145

**DECLARATION OF PHILIP J. GRAVES IN SUPPORT OF
UNOPPOSED MOTION TO APPEAR *PRO HAC VICE*
ON BEHALF OF
PATENT OWNER NEONODE SMARTPHONE LLC.**

I, Philip J. Graves, do hereby declare:

1. I am Of Counsel at the law firm of Hagens Berman Sobol Shapiro LLP (“Hagens”). Lead counsel in the *inter partes* review proceedings is Robert M. Asher, a Partner at Sunstein LLP (“Sunstein”), who is registered to practice before the U.S. Patent & Trademark Office (“USPTO”) and holds Registration No. 30,445. Backup counsel is Bruce D. Sunstein, a Partner at Sunstein, who is registered to practice before the USPTO and holds Registration No. 27,234; Wendy J. Demoracski, an Associate at Sunstein, who is registered to practice before the USPTO and holds Registration No. 76,185; Greer N. Shaw, Of Counsel at Hagens, *pro hac vice* to be filed; and Mark S. Carlson, Of Counsel at Hagens, *pro hac vice* to be filed. With respect to these proceedings, I will work closely with Mr. Asher, Mr. Sunstein, Ms. Demoracski, Mr. Shaw, and Mr. Carlson.

2. I hold a Bachelor of Arts degree from the University of Washington and a Doctor of Jurisprudence degree in Law from Columbia Law School.

3. I have more than 25 years of experience as a litigation attorney specializing in patent litigation and representing clients in patent litigation matters in various United States District Courts and the United States Court of Appeals for the Federal Circuit. My experience includes several matters in the electrical and computer science arts. I have particular experience relevant to the technological and legal matters at issue in this proceeding, including representing the Patent Owner Neonode Smartphone LLC (“Neonode”) in a number of related matters. For example, I represent Neonode in co-pending district court litigation, involving U.S. Patent No. 8,812,993, in *Neonode Smartphone LLC v. Apple Inc.*, 6:20-cv-00505 (W.D.Tex.) and *Neonode Smartphone LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, 6:20-cv-00507 (W.D.Tex.). I am, therefore, an experienced patent litigation attorney with particular

expertise that is pertinent to the proceedings. Neonode desires, and has a need, to be represented in certain aspects of these proceedings by an experienced patent litigation attorney who has particular expertise that is relevant to the issues involved.

4. I am very familiar with U.S. Patent No. 8,812,993, as well as the legal subject matter, technical subject matter, and prior art discussed in the Petitioner's Request for *Inter Partes* Review of U.S. Patent No. 8,812,993. I have personally reviewed the patent at issue, as well as its prosecution history and the above-referenced petition with accompanying declarations and exhibits. I have been and continue to be actively involved with strategic, factual, and technical aspects of this matter.

5. I am a member in good standing of the State Bar of California. I am admitted to practice before the United States District Courts for the Southern District of California, the Eastern District of California, the Northern District of California, and the Central District of California. I am also admitted to practice before the United States Courts of Appeals for the Ninth and Federal Circuits and the United States Supreme Court.

6. There have been no other proceedings before the Office for which I have applied to appear *pro hac vice* in the last three (3) years.

7. I have never been suspended or disbarred from practice before any court or administrative body, apart from an administrative suspension for non-payment of inactive bar dues by the Washington Bar Association, which was lifted upon payment of the overdue bar dues.

8. I have never had a court or administrative body deny my application for admission to practice.

9. I have never been sanctioned or cited for contempt by any court or administrative body.

10. 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.

11. I agree to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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 further 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.

Dated:

Respectfully submitted,

Philip Graves

Philip J. Graves
Hagens Berman Sobol Shapiro LLP
301 North Lake Avenue, Suite 920
Pasadena, CA 91101
213 330 7150 (phone)
philipg@hbsslw.com
Counsel for Patent Owner

Declaration of Philip J. Graves in Support of Motion to Appear
Pro Hac Vice on Behalf of Patent Owner Neonode Smartphone LLC.

CERTIFICATE OF SERVICE

It is certified that on February 11, 2021, the foregoing Motion to Appear *Pro Hac Vice* on behalf of Patent Owner Neonode Smartphone LLC and supporting materials in its entirety has been served on the Petitioner as provided in 37 C.F.R. § 42.6(e) via electronic mail at IPR50095-0016P1@fr.com (referencing No. 50095-0016IP1 and cc'ing PTABInbound@fr.com, axf-ptab@fr.com, DTH@fr.com, tiffany.miller@dlapiper.com, and jim.heintz@dlapiper.com).

Dated: February 11, 2021

/Robert M. Asher, #30,445/
Robert M. Asher
Reg. No. 30,445
Sunstein LLP
100 High Street
Boston, MA 02110-2321
617 443 9292 (phone)
Counsel for Patent Owner