

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZYXEL COMMUNICATIONS CORPORATION,

Petitioner,

v.

UNM RAINFOREST INNOVATIONS,

Patent Owner.

IPR2021-00734
Patent No. 8,265,096

**DECLARATION OF HENNING SCHMIDT
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE***

I, Henning Schmidt, declare as follows:

1. My name is Henning Schmidt, and my professional address is 1750 Tyson's Blvd., Suite 1500, Tysons Corner, Virginia. I am over the age of 18, and I make this declaration based on my personal knowledge.

2. I am an attorney licensed and admitted to practice in the State of Texas, where I have been admitted since 2007. I am a member in good standing with the Texas Bar. I practice in the field of intellectual property, including patent litigation, and have done so for approximately 15 years.

3. I am admitted to practice before the Federal District Courts of the Northern, Western, and Eastern Districts of Texas, as well of the Fifth and Federal Courts of Appeal. I have also been admitted to practice and have appeared *pro hac vice* before various additional United States District Courts, including in Delaware, Georgia, California, Nebraska, Virginia, Ohio, and Washington.

4. I have also appeared before the United States International Trade Commission, and have practiced and continue to practice regarding trademark matters before the United States Patent and Trademark Office, and the Trademark Trial and Appeal Board.

5. I am a member of the Texas Bar Association and the Texas Intellectual Property Law Association.

6. I have extensive experience in litigating patent infringement matters. I have been litigating patent infringement cases since my admission to the bar in 2007, including as lead counsel, and have appeared before the Court of Appeals for the Federal Circuit numerous times regarding appeals in patent infringement cases.

7. I have never been suspended, disbarred, sanctioned, or cited for contempt by any court or administrative body.

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

9. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R.

10. I agree to be subject to the United States Patent and Trademark Office 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).

11. I have previously appeared and argued before the Board in the matter of *Aruba Networks, Inc. v. Mobile Telecommunications Technologies, LLC*, PTAB-IPR2016-00768, and *Intel Corporation v. FG SRC LLC*, PTAB-IPR2020-01449. I have not applied to appear *pro hac vice* before the Office in any other proceeding in the last three (3) years.

12. I have read and am familiar with the patent at issue in this proceeding and its file history, as well as the prior art and other arguments that have been asserted by petitioner.

13. I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true.

Dated: June 2, 2021

Respectfully submitted,

/s/ Henning Schmidt

Henning Schmidt

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