

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

**HEWLETT PACKARD ENTERPRISE CO.,  
ARUBA NETWORKS, LLC,  
APPLE INC.,  
Petitioner**

**v.**

**BILLJCO LLC,  
Patent Owner**

CASE: IPR2022-00426

U.S. PATENT NO. 8,761,804 B2

**AFFIDAVIT OF COURTLAND C. MERRILL IN SUPPORT OF  
PRO HAC VICE ADMISSION UNDER 37 C.F.R § 42.10 (c)**

1. I, Courtland C. Merrill, am more than twenty-one years of age, am competent to present this affidavit, and have personal knowledge of the facts set forth herein.
2. This affidavit is given in support of Patent Owner, BillJCo, LLC's Motion for *Pro Hac Vice* Admission.
3. I am an attorney at the law firm Saul Ewing Arnstein & Lehr, LLP.
4. I am an experienced trial attorney whose practice focuses exclusively on business and intellectual property disputes. I have been an intellectual property litigation attorney for nearly 20 years, and I have been litigating patent cases involving a variety of technologies during that entire time period. I have litigated numerous patent disputes involving the legal concepts of both infringement and validity, and I have significant experience in all aspects of litigation, including depositions, claim construction proceedings and various stages of trial.
5. I am a member of good standing of the Bars of: Minnesota, Wisconsin, the United State District Court of the District of Minnesota, The United States District Court for the Eastern District of Wisconsin, the United States Court of Appeals for the Eighth Circuit, and the United States Court of Appeals for the Federal Circuit.
6. I have never been suspended or disbarred from practice before any court or administrative body.
7. I have never been denied admission to practice before any court or administrative body.

8. No court or administrative body has ever imposed sanctions or contempt citations on me.

9. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rule of Practice for Trials set for in part 42 of 37 C.F.R.

10. I understand that 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).

11. I have not applied to appear *pro hac vice* in any proceedings before the Office in the last three (3) years.

12. I have an established familiarity with the subject matter at issue in this proceeding. I have reviewed in detail U.S. Patent No. 8,761,804 B2, which is the patent challenged in this proceeding. I have also reviewed relevant references discussed in Petitioner's Petition for *Inter Partes* Review of U.S. Patent No. 8,761,804 B2.

13. I have read and understand the pleadings submitted by both Petitioner and Patent Owner in this proceeding. I have engaged in strategic and substantive discussions regarding this proceeding with counsel for Patent Owner, BillJCo, LLC. Through my nearly 20 years of patent litigation experience, I am very familiar with the legal theories advanced in this case.

14. Through my involvement in the representation of Patent Owner, BillJCo, LLC in pending district court litigation involving the '804 patent -United States District Court for the Northern District of California *BillJCo, LLC v. Apple, Inc.*, Case No. 5:22-cv-3201-YGR (previously pending in the Western District of Texas Civil Action No.: 6:21-cv-00528-ADA); *BillJCo, LLC v. Cisco Systems, Inc.* No. 2:21-cv-00181 (E.D. Tex.); and *BillJCo, LLC v. Hewlett Packard Enterprise Company*, No. 2:21-cv-00182 (E.D. Tex.). I have established familiarity with the subject matter at issue in this proceeding.

Date: August 10, 2022

  
Courtland C. Merrill

Sworn to and subscribed before me  
this 10th day of August, 2022.

  
Notary Public

