

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., SAMSUNG ELECTRONICS CO., LTD.,
and SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-00807
Patent 9,756,168

**DECLARATION OF PHILIP J. GRAVES IN SUPPORT OF
PATENT OWNER'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF PHILIP J. GRAVES**

I, Philip J. Graves, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the State Bar of California.
2. I am Partner at the law firm of Graves & Shaw LLP (“Graves & Shaw”).

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. I am admitted to practice before the United States District Courts for the Southern, Eastern, Northern, and Central Districts 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.

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

4. I have never had an application for admission to practice before any court or administrative body denied.

5. I have never had any sanctions or contempt citations imposed on me from any court or administrative body.

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 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).

8. I have previously been admitted to appear, *pro hac vice*, in the following proceedings before the Board within the last three years:

- *Samsung Electronics Co., et. al. v. Neonode Smartphone LLC*, (IPR2021-00144, -00145).
- *Google LLC v. Neonode Smartphone LLC* (IPR2021-01041).
- *Apple Inc., et al. v. Smart Mobile Technologies LLC* (IPR2022-00808).
- *Samsung Electronics, Ltd., et al. v. Smart Mobile Technologies LLC*, (IPR2022-00766).

9. My applications for *pro hac vice* admission are currently pending in the following matters:

- *Apple Inc., et al. v. Smart Mobile Technologies LLC* (IPR2022-00979, -00980, -00981, -00982, -01222, -01223).
- *Samsung Electronics, Ltd., et al. v. Smart Mobile Technologies LLC*, (IPR2022-01004, -01005, -01249).

10. I am concurrently applying for *pro hac vice* admission in the following matters:

- *Apple Inc., et al. v. Smart Mobile Technologies LLC* (IPR2022-00807).

- *Samsung Electronics, Ltd., et al. v. Smart Mobile Technologies LLC* (IPR2022-01002, -01248).

11. Smart Mobile Technologies LLC's lead counsel in this proceeding, Mr. Kenneth Weatherwax, is a Partner at Lowenstein & Weatherwax LLP, and is a registered practitioner experienced in proceedings before the USPTO.

12. I have worked with lead counsel and am familiar with the subject matter at issue in this proceeding. As such, I have reviewed and am very familiar with (i) U.S. Patent No. 9,756,168 (the "'168 patent"), the patent-at-issue in this proceeding, (ii) the prior art relied upon in Petitioner's Petition, (iii) the legal and factual arguments that have been addressed by Patent Owner, and (iv) the developments in this proceeding since the filing of Petitioner's Petition. I am counsel for Smart Mobile Technologies LLC in the related co-pending district court cases, *Smart Mobile Technologies LLC v. Apple Inc.*, 6:21-cv-00603-ADA (W.D. Tex.) and *Smart Mobile Technologies LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, 6:21-cv-00701-ADA (W.D. Tex.), in which Patent Owner has asserted the '168 patent against Petitioners.

13. I hereby 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 are made with knowledge that willful false

