

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA MOBILITY LLC

Petitioner

v.

INTELLECTUAL VENTURES II LLC

Patent Owner

Case IPR2014-00500

U.S. Patent 5,790,793

DECLARATION OF THEODORE G. BROWN, III

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Petition for *Inter Partes* Review of U.S. Patent 5,790,793

I, Theodore G. Brown, III, declare as follows:

1. My name is Theodore G. Brown, III, and I am a partner with Kilpatrick Townsend & Stockton LLP. I am registered to practice before the United States Patent and Trademark Office. I am Back-Up Counsel of Record for Petitioner Motorola Mobility LLC in this matter. I submit this declaration in support of Petitioner's Response to Patent Owner's Motion to Expunge. If called to testify, I would do so consistent with this declaration.

2. On February 9, 2015, I instructed Stephanie Blair, an experienced patent paralegal with our firm, to file Petitioner's Reply Brief and any Accompanying Exhibits. The only exhibits that were filed with the Reply Brief were Exhibits 1030-1036. Due to a clerical error, Exhibits 1023 and 1028 were inadvertently not included with the Exhibits filed with the Reply Brief.

3. On August 18, 2015, I received an email from Maria Vignone (Paralegal Operations Manager of the Patent Trial and Appeal Board) notifying Petitioner that Exhibits 1023-1028 do not appear in PRPS and asking that if they had not been filed to file them as soon as possible. As soon as it was determined that Exhibits 1023-1028 had not been filed with the Board I requested that Stephanie Blair file these exhibits with the Board. I also began an investigation into why these Exhibits had not been filed.

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4. In investigating the issues, I determined that:
 - a. On September 24, 2014, shortly after institution of this trial, Petitioner requested permission from the Board to file these Exhibits. (Paper Nos. 15 and 17).
 - b. In an Order dated October 7, 2014, the Board denied Petitioner's request but explicitly authorized Petitioner to file the exhibits with a later response, such as a response to a Motion to Exclude. (Paper No. 18).
 - c. On October 1, 2014, Petitioner served Exhibits 1023-1025, including the first declaration from Steve Putz (i.e. Exhibit 1023).
 - d. On October 7, 2014, Petitioner served Exhibits 1026-1027.
 - e. On October 21, 2014, Petitioner served Exhibit 1028 (the second declaration from Steve Putz).
5. As part of the investigation, I also reviewed the Petitioner's Reply Brief and determined that Petitioner relied on both of the declarations of Mr. Putz (Exhibits 1023 and 1028) in its brief. I determined that despite relying on Exhibits 1023 and 1028, Petitioner inadvertently failed to file them with the Reply Brief.

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I declare under penalty of perjury that the foregoing is true and correct,
executed on this 2nd, day of September 2015.

/s/Theodore G. Brown, III
Theodore G. Brown, III