

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHURE INCORPORATED,
Petitioner,

v.

CLEARONE, INC.,
Patent Owner.

Case PGR2020-00079
Patent 10,728,653

DECLARATION OF MATTHEW C. PHILLIPS

1. I, Matthew C. Phillips, am a partner at Laurence & Phillips IP Law, and I am lead counsel for the patent owner ClearOne in this post-grant review. I have personal knowledge of the facts stated in this declaration and have personally reviewed the documents discussed below. If called as a witness, I could and would competently testify to such facts under oath.

2. Exhibit 2022 is a true and correct printout of a spreadsheet downloaded from the US PTO's website. A link to download the spreadsheet appears as "Aggregate Revenue Tables" under the heading "Latest patent fee setting information" at the following URL: <https://www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting#patentfee-info>. On April 11, 2021, I downloaded that spreadsheet and printed as a PDF document its tab 1 entitled "Final Patent Fee Schedule" as Exhibit 2022.

3. Exhibit 2023 is a true and correct copy of pages 8-31 of Volume II of the joint appendix filed at the United States Court of Appeal for the Federal Circuit in *New Vision Gaming & Development, Inc. v. SG Gaming, Inc.*, No. 20-1399. That document appears as document no. 78-2 in the court's CM/ECF system and bears a filing date of Dec. 22, 2020. The appellant, New Vision Gaming & Development, Inc., relies on those and similar pages of that document in that appeal for substantially the same points made by Acorn in this IPR when citing to this

document. The appellant purports that these pages were produced by the U.S. Patent and Trademark Office in response to a Freedom-of-Information-Act (FOIA) request.

4. Exhibit 2024 is a true and correct copy of pages 101-107 of Volume II of the joint appendix filed at the United States Court of Appeal for the Federal Circuit in *New Vision Gaming & Development, Inc. v. SG Gaming, Inc.*, No. 20-1399, the same appeal noted above. The appellant relies on those and similar pages of that document in that appeal for substantially the same points made by Acorn in this IPR when citing to this document. The appellant purports that these pages were produced by the U.S. Patent and Trademark Office in response to a FOIA request.

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the Acorn patents at issue in these IPRs.

6. I acknowledge that, as part of these IPRs, I may be subject to cross-examination in the United States regarding the content of this declaration. If cross-examination is required of me, I will make myself reasonably available for cross-examination within the United States during the time allotted for cross-examination.

May 8, 2021

/ M.C. Phillips /

Matthew C. Phillips, PTO Reg. No. 43.403