UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIEMENS MOBILITY, INC., GROUND TRANSPORTATION SYSTEMS USA, INC., HUMATICS CORP., and PIPER NETWORKS, INC.,
Petitioners,

v.

METROM RAIL, LLC,
Patent Owner.

Case No. IPR2023-00468
Patent No. 9,043,131

DECLARATION OF NICOLE S. CUNNINGHAM
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE*

I, Nicole S. Cunningham, declare:

1. I am a Principal at the law firm Dority & Manning, P.A. I have been a patent litigator at Dority & Manning since I joined the firm in 2022. Prior to that, I was a patent litigator at Moore IP Law P.C. from October 2021 to October 2022. Between February 2020 and October 2021, I was a patent litigator at Zhong Lun Law Firm. Between October 2013 and December 2015, I was Counsel at Pillsbury Winthrop Shaw Pittman LLP, where I was then a Partner from January 2016 through January 2020. I was an Associate at Goodwin Procter LLP between October 2010 and October 2013, an Associate at Foley & Lardner LLP between October 2008 and October 2010, an Associate at Heller Ehrman LLP between April 2005 and October 2008, and an Associate at Paul, Hastings, Janofsky & Walker between September 2004 and April 2005.

2. I am a member in good standing of the Bar of the State of California and am admitted to practice before the U.S. District Court for the Southern, Northern, and Central Districts of California, the U.S. District Court for the Eastern District of Texas, the U.S. District Court for the District of Colorado, and several other U.S. district courts *pro hac vice*.

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

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

5. 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.

6. I agree to be subject to the U.S. Patent and Trademark Office's 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).

7. I have not applied to appear *pro hac vice* before the Office in any other proceeding within the past three years. Contemporaneous with my application for *pro hac vice* admission in this matter, I am also applying for *pro hac vice* admission in IPR2023-00470.

8. In the process of advising Petitioner Piper Networks, Inc. on this proceeding, I have become familiar with the subject matter at issue in this proceeding. In particular, I have studied in detail the petition, expert declaration, and prior art references submitted in this proceeding.

9. Through my years of patent litigation experience, I am familiar with the legal theories advanced in this proceeding, including obviousness.

10. I have engaged (and will continue to engage) in strategic and substantive discussions regarding this proceeding with Howard Wisnia, who is Lead Counsel for Petitioners in this proceeding.

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Dated: October 27, 2023

/ Nicole S. Cunningham /

Nicole S. Cunningham
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