UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALIVECOR, INC.,
Petitioner

v.

APPLE INC.,
Patent Owner

Case No. IPR2023-00948
Patent. No. 10,866,619

DECLARATION OF PHILIP DUCKER IN SUPPORT OF MOTION FOR PRO HAC VICE ADMISSION

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O Box 1450
Alexandria, VA 22313-1450

I, Philip Ducker, declare as follows:

1. I am an attorney with the law firm of Alston & Bird LLP and practice in its IP Litigation group. I have been a practicing attorney since 2004.

2. I am a member in good standing of the State Bar of California.

3. I have not been suspended or disbarred from practice before any court or administrative body.

4. I have never been denied admission to practice before any court or administrative body.

5. I have never been subject to sanctions or contempt citations imposed by 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, as set forth in title 37, part 42 of the Code of Federal Regulations (C.F.R.).

7. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Responsibility set forth in parts 10 and 11 of 37 C.F.R. and to disciplinary jurisdiction under 37 C.F.R.§ 11.19(a).

8. I have not previously applied to appear *pro hac vice* before the Patent Trial and Appeal Board.

9. I have approximately twenty years of experience litigating intellectual property disputes. I hold a Bachelor of Science in Mechanical Engineering from the

University of Cincinnati and a J.D. degree from Boston University. My experience includes significant experience litigating patents with subject matter similar to and substantially related to the subject matter of U.S. Patent No. 10,866,619, the patent-in-suit. I have represented clients in numerous patent infringement lawsuits across the country involving patents in a variety of technical areas, including mechanical devices, medical devices, telecommunications, and consumer products. I also represent Petitioner AliveCor Inc. in the co-pending, but currently stayed, district court litigation involving the ’619 Patent. *Apple Inc. v. AliveCor, Inc.*, Case No. 4-22-cv-07608 (N.D. Ca).

10. I have an established familiarity with the subject matter at issue in this proceeding. In addition to my general familiarity with the technologies identified in the patent, I was retained as counsel for Petitioner AliveCor, Inc. in this matter and have spent significant time and resources to assist Petitioner in preparing its petition for *Inter Partes* Review. I have reviewed the ’619 Patent in detail. I have also reviewed the Petition, and the accompanying exhibits, as well as the patent’s prosecution history. I have spent significant time reviewing and analyzing prior art related to the ’619 Patent, including the prior art upon which this IPR proceeding is based, and I have corresponded with subject matter experts. I have also reviewed all of the other filings associated with this IPR.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that all statements made herein of my own knowledge are true and that all opinions expressed herein are my own; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: February 23, 2024

Respectfully submitted,

/ Philip Ducker /
Philip Ducker
(requesting *pro hac vice* admission)

COUNSEL FOR PETITIONER