

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC.,
Petitioner,

v.

PANTECH WIRELESS, LLC,
Patent Owner.

IPR2023-01267 (Patent 9,313,809 B2)
IPR2023-01268 (Patent 9,575,631 B2)
IPR2023-01269 (Patent 9,854,545 B2)
IPR2023-01270 (Patent 10,869,247 B2)
IPR2023-01272 (Patent 9,065,486 B2)
IPR2023-01273 (Patent 9,136,924 B2)

**DECLARATION OF HOJUN SUH IN SUPPORT OF
MOTION TO DISQUALIFY MAYER BROWN**

[REDACTED]
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1. My name is Hojun Suh. I am a Patent Licensing Manager for LG Electronics Inc. (“LGE”) and have been in that role since February 2008. I have personal knowledge of the facts herein, and if called to testify, I would testify to the facts stated herein.

2. In the parallel district court proceeding, *Pantech Corporation et al. v. LG Electronics Inc. et al.*, No. 5:22-cv-00113-RWS-JBB (E.D. Tex.) (“Texas Case”), which presently involves U.S. Patent Nos. 9,136,924; 9,854,545; 10,869,247; 9,313,809; 9,065,486; and 9,575,631 (the “Challenged Patents”), I submitted two declarations in connection with LGE’s Motion to Disqualify Mayer Brown LLP on December 29, 2022 and January 19, 2023, as well as a declaration submitted on July 20, 2023 in support of LGE’s related Motion to Disqualify Peter Rysavy as Pantech’s Expert.

3. In my role at LGE, I was involved in [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], and was part of the LGE team responsible for overseeing the work performed by Mayer Brown for LGE in connection with that matter.

4. I have reviewed certain docket entries, billing records, case materials, and internal LGE materials for the [REDACTED] matter and for each of the other matters

[REDACTED]
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listed below to which Mayer Brown also had access, and am prepared to speak on
them on behalf of LGE. These matters include:

- *Azure Networks, LLC v. MediaTek Inc.*, No. 6-12-cv-00252 (E.D. Tex.)
 (“*Azure*”)
- *Integrated Circuit Devices and Products Containing the Same*, ITC-337-TA-
 873 (“*Integrated*”)
- *Mobile Tele. Tech. v. LG Electronics*, No. 2:13-cv-00947 (E.D. Tex.) (“*MTT*”)
- *Cellular Comm’s. Equip. v. LG Electronics*, Nos. 6:13-cv-00508, 6:14-cv-
 00982, 6:16-cv-00365 (E.D. Tex.) (“*CCE*”)
- *Core Wireless Licensing v. LG Electronics Inc.*, Nos. 2:14-cv-00911, 2:14-cv-
 00912 (E.D. Tex.) (“*Core Wireless*”)
- *CyWee Group Ltd. v. LG Electronics Inc.*, No. 3:17-cv-01102 (S.D. Cal.)
 (“*CyWee*”)
- *Jenam Tech, LLC v. LG Electronics Inc.*, No. 4:19-cv-00249 (E.D. Tex.)
 (“*Jenam*”)

Each of the Challenged Patents involves one or more of the same technologies that
were at issue in the [REDACTED], *MTT*, *CCE*, and *Core Wireless*, and several of the products
that Pantech accused of infringing the Challenged Patents in the Texas Case were
also accused of infringement in the [REDACTED], *MTT*, *CCE*, and/or *Core Wireless* matters.
In at least those four matters, Mayer Brown had access to highly sensitive privileged

[REDACTED]

Suh Decl. - IPR2023-01267, -01268, -01269, -01270, -01272, -01273 and confidential information regarding LGE's technologies, products, financials, business practices, litigation strategies, and licensing policies that are relevant to Pantech's infringement and validity positions in the parallel Texas Case and its strategy with respect to the Challenged Patents in the above-captioned *inter partes* review proceedings (the "LGE-Pantech IPRs").

5. The matters listed above, including the [REDACTED] matter, took place between 2012 and 2020. Attorneys for Mayer Brown who presently represent Pantech in either the Texas Case or the IPR proceedings for the Challenged Patents also represented LGE in the [REDACTED], *MTT*, *CCE*, and *Core Wireless* matters and the related IPR proceedings. The Mayer Brown attorneys representing Pantech who also previously represented LGE (the "Mayer Brown LGE Attorneys") include Amanda S. Bonner (formerly Amanda Streff), who is designated as lead counsel for Pantech in each of the LGE-Pantech IPRs, and who also previously represented LGE in the [REDACTED], *CCE*, and *MTT* matters. The Mayer Brown LGE Attorneys also include James "Tripp" Fussell, who is designated as backup-counsel for Pantech in each of the LGE-Pantech IPRs, and who also represented LGE in the [REDACTED] matter. The Mayer Brown LGE Attorneys also include Baldine B. Paul, who is designated as backup-counsel for Pantech in the LGE-Pantech IPRs challenging U.S. Patent Nos. 9,136,924, 9,854,545, 10,869,247, 9,313,809, and 9,065,486, and who also represented LGE during the *Jenam* and [REDACTED] matters. Several other attorneys who

[REDACTED]

Suh Decl. - IPR2023-01267, -01268, -01269, -01270, -01272, -01273 are also representing Pantech in the Texas Case against LGE are likewise Mayer Brown LGE Attorneys. LGE is unaware of any steps that were been taken by Mayer Brown to screen the attorneys who previously represented LGE on the related [REDACTED], *MTT*, *CCE*, and *Core Wireless* matters, from involvement in the LGE-Pantech IPRs.

6. Collectively, the attorneys now representing Pantech adverse to LGE in either the IPR proceedings for the Challenged Patents or the related Texas Case spent thousands of hours representing LGE on the [REDACTED], *MTT*, *CCE*, and *Core Wireless* matters. For example, based on billing records related to the [REDACTED]

[REDACTED], *MTT*, and *CCE* matters alone, the following LGE Mayer Brown Attorneys known to be representing Pantech in the IPR proceedings or the related Texas Case billed at least the following hours performing work for LGE:

Pantech Counsel Who Previously Represented LGE	[REDACTED]	MTT	CCE	Total
Jamie Beaber	N/A ¹			
Amanda S. Bonner (lead counsel in all LGE-Pantech IPRs)	■	■	■	■
James “Tripp” Fussell (backup counsel in all LGE-Pantech IPRs)	■			■

¹ As part of the billing arrangement for those matters, Mr. Beaber did not normally bill for his own time spent on the matters, but he was the lead attorney and primary point of contact for LGE on each of these matters, and many others.

Baldine Paul (backup counsel in five LGE-Pantech IPRs)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Graham Buccigross	[REDACTED]			[REDACTED]
Saqui Siddiqui			[REDACTED]	[REDACTED]
Tiffany Miller		[REDACTED]	[REDACTED]	[REDACTED]

Multiple additional Mayer Brown attorneys in addition to those identified above previously represented LGE in [REDACTED], *MTT*, and *CCE*. It is unclear if those other Mayer Brown attorneys who previously worked on these matters for LGE are also involved in the LGE-Pantech IPRs or the Texas Case, and have not been identified as counsel of record.

7. The *MTT* matter involved three patents, U.S. Pat. Nos. 5,809,428, 5,754,946, and 5,894,506 that purportedly covered LGE’s “network operation centers, [and] mobile units.” Ex. 1226 (*MTT* complaint) at ¶ 6. Specifically, the complaint alleged that the patents covered certain features of how the messaging services and applications operating on LGE devices process messages. *Id.* at ¶¶ 10, 21, 30. The complaint accused several LGE smartphones of infringement, including the LG Phoenix, Escape, and others. *Id.* at ¶¶ 14, 24, 33. The Mayer Brown LGE Attorneys working on this matter began working on the matter shortly after the case was filed in November 2013 while those attorneys were at Steptoe & Johnson. *See* Ex. 1241 (*MTT* docket sheet). Those Mayer Brown LGE Attorneys moved to Mayer Brown while the matter was ongoing, and continued to represent LGE until the matter naturally concluded in March 2016. *Id.* Mayer Brown LGE Attorneys who

[REDACTED]
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worked on the *MTT* matter included Amanda Bonner, Baldine Paul, Jamie Beaber
and Tiffany Miller. *Id.*

8. The *CCE* matter involved at least ten patents, several of which were purportedly standard essential patents (“SEPs”), spread across multiple complaints. *See* Exs. 1217, 1218, 1243 (*CCE* complaints); Exs. 1244-1246 (*CCE* docket sheets). The purported SEPs directed to 3GPP telecommunication standards allegedly used by LGE smartphones and tablets included U.S. Patent Nos. 6,819,923, 7,215,962, 7,941,174, 8,055,820, 8,385,966, 8,848,556, 8,868,060, and 6,810,019. *See, e.g.*, Ex. 1217 at ¶¶ 33 (6,819,923), 44 (7,215,962), 59 (7,941,174), 72 (8,055,820); Ex. 1218 at ¶¶ 25 (8,385,966), 40 (8,848,556), 52 (8,868,060); Ex. 1243 at 70 (6,810,019). The non-SEP patents, U.S. Patent Nos. 6,377,804, and 7,218,923, were similarly directed to features of cellular communications technology. Ex. 1217 at ¶¶ 21 (6,377,804), 84 (7,218,923). In addition to tacitly implicating all devices that complied with the 3GPP standards purportedly covered by the asserted SEP patents, the complaints in the *CCE* matter identified specific LGE LTE devices as purportedly infringing the asserted patents, including the LG G Pad 7.0 LTE. *See, e.g.*, Ex. 1218 at ¶ 22. The patents at issue in *CCE* were related to overlapping technical specifications with those that Pantech identifies as allegedly infringing the challenged patents here, including TS 36.321, TS 36.331, and TS 38.214. Ex. 1219 at 29, Ex. 1220 at 40, 42; Ex. 1241 at 67-69. Mayer Brown was given access to

[REDACTED]

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9. The *Core Wireless* matter involved eighteen patents allegedly directed to aspects of “wireless mobile communication devices.” Exs. 1221-1222 (*Core Wireless* complaints).² The complaints accused several LGE products of infringement, including the LG G Pad family of tablets and LG Phoenix and Escape Series. Ex. 1221 at ¶ 14; Ex. 1222 at ¶30. The patents at issue in *Core Wireless* included U.S. Pat. Nos. 8,713,476, 8,434,020, 6,978,143, 6,477,151, 6,266,321, and 7,804,850, which are generally related to features of cellular communication

² Core Wireless filed two complaints against LGE. Those cases were consolidated on December 16, 2014, and Mayer Brown entered an appearance in the lead case. Exs. 1223, 1225.

[REDACTED]
Suh Decl. - IPR2023-01267, -01268, -01269, -01270, -01272, -01273 technology, including communications between a user device and a base station and how user interface elements are presented to users for accessing applications. *See* Ex. 1221 at ¶¶ 16, 34; Ex. 1222 at ¶¶ 84, 97, 123, 188. Mayer Brown's work on the *Core Wireless* matter began shortly after the complaint was filed in September 2014. *See* Ex. 1247 (*Core Wireless* docket sheet).

10. In [REDACTED], Mayer Brown represented LGE in a confidential arbitration with [REDACTED] pertaining to [REDACTED]
[REDACTED]
[REDACTED]. Mayer Brown's work on the matter began around August 2015, and the final work was done in November 2017. The Mayer Brown LGE Attorneys working on the matter included Amanda Bonner, Baldine Paul, and Tripp Fussell.

11. The alleged SEPs at issue in [REDACTED] included hundreds of patent families allegedly directed to 3G and 4G LTE cellular network technology, [REDACTED]
[REDACTED] were substantively analyzed by Mayer Brown. Those analyzed patent families included patents allegedly directed to the 3GPP TS 36.321, TS 36.213, and TS 36.331 standards pertaining to protocols and physical layer procedures for the LTE standard; the 3GPP TS 25.211 and TS 25.321 standards pertaining to protocols and channel mappings used in WCDMA; and the 3GPP TS 36.212 standard pertaining to channel coding, which is itself incorporated into the LTE standard.

[REDACTED]
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Those standards overlap with the technical standards that Pantech has alleged infringe the claims of the Challenged Patents in the Texas Case. The patents at issue in the [REDACTED] matter included at least U.S. Pat. Nos. 6,091,717, 7,764,966, and 6,094,426, 6,778,521, 6,775,548, and 5,946,320 (Exs. 1231, 1233, 1236, 1240, 1263, 1264). For U.S. Pat. No. 6,091,717, [REDACTED] infringement allegations were based at least in part on the 3GPP TS 36.213, TS 36.321, and TS 36.331 technical specifications. For U.S. Pat. No. 7,764,966, [REDACTED] infringement allegations were at least in part based on the 3GPP TS 25.321 specification, including its Section 9.2.5.3.2, titled “Scheduling Information.” For U.S. Pat. No. 6,778,521, [REDACTED] infringement allegations were at least in part based on the 3GPP TS 36.212 and TS 36.300 specifications. For U.S. Pat. No. 6,775,548, [REDACTED] infringement allegations were at least in part based on the 3GPP TS 25.211 specification. For U.S. Pat. No. 5,946,320, [REDACTED] infringement allegations were at least in part based on the 3GPP TS 36.211 specification.

12. Mayer Brown’s work in [REDACTED] included comparing the patents-at-issue to the relevant technical standards, determining whether and how LGE products implemented certain technical standards or optional features of the standards, conducting invalidity analyses of the patents, preparing substantive briefs, and working with witnesses and experts on these issues as well as those pertaining to FRAND licensing and royalties. With respect to Mayer Brown’s analyzing the

[REDACTED]
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details of how LGE products implemented certain standards, that was particularly relevant where the [REDACTED] patents at issue purportedly covered only certain implementations of the standard. As part of that analysis, Mayer Brown was provided with confidential technical details about LGE's products, and was permitted to obtain information from LGE's suppliers and LGE personnel about the implementation details of certain WCDMA and LTE 3GPP standards, including standards that Pantech has alleged to be covered by the Challenged Patents in the Texas Case, as well optional features within those standards.

13. For example, as shown in Ex. 1248 emails were exchanged between myself, Mr. Beaber of Mayer Brown, and other members of the Mayer Brown who [REDACTED], from September 20 to September 30, 2016. While just one example, that chain of emails helps illustrate the breadth of the work Mayer Brown did for [REDACTED], the scope of the information they had access to—including source code and information from suppliers and LGE engineers—and Mayer Brown's intimate involvement in formulating LGE's strategy to show that LGE did not implement certain parts of the standards at issue in the [REDACTED] and to show that the FRAND rate for [REDACTED] patents should be lower. I understand that many of these same standards are also at issue in the Texas Case as are chips supplied by many of these same suppliers. A copy of this chain of emails is being made available directly to the Board,

[REDACTED]
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but it is not being submitted as a more general exhibit as it contains privileged
communications between LGE and its then-counsel Mayer Brown.

14. In general, as part of Mayer Brown's work on the [REDACTED] matter, Mayer Brown was provided with various types of LGE highly confidential information. That included technical information detailing how certain classes of LGE products implement particular standards, and whether and how optional features are implemented in LGE products. Mayer Brown was also permitted to question LGE in-house personnel, as well as LGE suppliers and partners, concerning the hardware and software incorporated within LGE devices, and how those device components implemented aspects of the relevant technical standards. In connection with these analyses, Mayer Brown was provided with LGE source code to analyze as part of the matter.

15. During the [REDACTED] matter, Mayer Brown was also provided with confidential financial and market information for specific LGE product lines, which was relevant for the royalty rates. That included LGE confidential business information for LGE's various LTE, UMTS, CDMA, and GSM product lines, and sales information for particular LGE devices accused in the parallel Texas Case. Mayer Brown also learned LGE's policies and procedures for SEP and patent licensing for smartphone and cellular technology, including the approaches used for licensing and the concessions normally made in its licenses. Mayer Brown was

[REDACTED]
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further provided with the details of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16. During the [REDACTED] matter, I also collaborated directly with Mayer Brown to discuss all aspects of LGE's licensing practices, which spanned more than a decade in relation to [REDACTED], and the ongoing licensing negotiations between [REDACTED] as it pertained to [REDACTED]
[REDACTED]. As part of that process, I engaged in privileged discussions with Mayer Brown and confirmed details regarding LGE's strategies, tactics, and policies with respect to [REDACTED] licensing, as well as LGE's approaches to valuing potential licenses, and handling potential litigation. As noted above, Mayer Brown attorney's collectively spent [REDACTED] of hours on the [REDACTED] matter. Mayer Brown and LGE both spent considerable time and effort in developing LGE's strategy for the [REDACTED]
[REDACTED], and that strategy was heavily informed by LGE's own technical expertise and long-running experience with [REDACTED]. These same issues, communications, and strategies will directly inform how LGE decides to approach these same issues during the Texas Case and the present IPR proceedings, such as how to value the [REDACTED]

[REDACTED]
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purported contributions to [REDACTED] particularly in light of LGE's past
licenses [REDACTED] as well as its past positions taken during
the [REDACTED].

17. Following the conclusion of [REDACTED], LGE gradually transitioned Mayer Brown off all ongoing LGE matters. Mayer Brown continued to send invoices to LGE for the [REDACTED] matter until at least November 13, 2017. Mayer Brown continued to send invoices to LGE for the *CCE* matter until September 13, 2016. Mayer Brown also continued to send invoices to LGE for the *MTT* litigation until March 16, 2016. Mayer Brown did not separately bill LGE for the *Core Wireless* matter. Instead, LGE's work on *Core Wireless* was included in the work done for LGE as part of the [REDACTED] matter. Mayer Brown's work on *Core Wireless* lasted at least until the end of the [REDACTED] matter, but I understand that the firm never formally withdrew from representing LGE prior to the natural conclusion of the case in 2020. Similarly, my understanding is that Mayer Brown never formally withdrew from the *Jenam* matter prior to the natural conclusion of the case.

18. The last time LGE retained Mayer Brown was during the subsequent *Jenam* matter. The *Jenam* matter involved two patents, U.S. Pat. Nos. 9,923,995 and 9,923,996 allegedly related to "smartphone and tablet" technology. See Ex. 1249 (*Jenam* complaint) ¶¶ 7-8. Specifically, those patents purportedly covered certain communication protocols used by the web browsers on various LGE devices. *Id.* The

[REDACTED]
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complaint accused several LGE devices of infringement, including LG V40, LG V35,
LG G7, LG G Pad, LG G Pad X, and LG G Pad II, among others. *Id.* at ¶ 7. Mayer
Brown was retained to jointly represent both [REDACTED] and LGE in the *Jenam* matter.
Mayer Brown began representing LGE around July 2019 and continued to represent
LGE until at least January 2020. *See* Ex. 1250 (*Jenam* docket sheet).

19. Following *Jenam*, Mayer Brown did not represent LGE on any
subsequent matters related to patent disputes. The next substantive interaction
between LGE and Mayer Brown is during licensing negotiations with Pantech. At
the time, LGE insisted that Mayer Brown had a conflict of interest due to its prior
representations of LGE, and therefore could not represent Pantech in those licensing
negotiations. In April 2021, LGE and Mayer Brown reached an impasse as to
whether Mayer Brown had a conflict of interest that precluded it from representing
Pantech. At that point, Pantech agreed to continue negotiations with LGE without
Mayer Brown. Attached as Ex. 1251 is a translation of a chain of emails exchanged
between LGE and Pantech between April 1, 2021 and May 6, 2021. As shown in the
chain of emails, on May 6, 2021, [REDACTED]

[REDACTED]
[REDACTED]. *Id.* at 1. Mayer Brown was not included on subsequent emails from
Pantech to LGE.

[REDACTED]

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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 were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on: Nov. 22, 2023

By: 
Hojun Suh

[REDACTED]

[REDACTED]