

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASTERCARD INCORPORATED AND MASTERCARD INTERNATIONAL
INCORPORATED,
Petitioner,

v.

OV LOOP, INC.,
Patent Owner.

Case IPR2023-01289
Patent 10,032,171

**DECLARATION OF DARRELL ATKINSON IN SUPPORT OF
PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION**

I, Darrell Atkinson, hereby declare to the following:

1. I am a member in good standing of the state Bar of California (SBN: 280564), as well as the United States Court of Appeals for the Federal Circuit. I was admitted to the California Bar in December 2011 and the Federal Circuit bar in May 2013.

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

3. I have never had an application for admission to practice before any court or administrative body denied.¹

4. No sanction or contempt citation has been imposed against me by any court or administrative body.

5. I have reviewed 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 the Code of Federal Regulations.

6. I will be subject to the USPTO 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).

¹ I have had at least one *pro hac vice* application rejected for non-substantive reasons (missing certificate of good standing from the California Supreme Court); this application was refiled with the missing information and subsequently granted.

7. In the past three years, I have not applied for admission *pro hac vice* before the Patent Trial & Appeal Board.

8. I am an experienced patent litigation attorney with more than 10 years of experience representing clients in cases spanning the computer software, electrical device, and pharmaceutical fields. My patent litigation experience includes, but is not limited to, fintech, biotech, Internet search technology, and stratospheric balloons. For example, I was counsel of record for patentee in *Space Data Corp. v. Alphabet, Inc.*, No. 16-cv-03260-BLF (N.D. Cal.). This matter involved stratospheric balloons. By way of further example, I am counsel of record for patentee in *MasterObjects, Inc. v. Meta Platforms, Inc.*, No. 2023-1097 (Fed. Cir.) and I expect to orally argue for patentee in this matter, which involves Internet search technology. In addition to patents, my technical experience includes trade secret and complex contract dispute matters. And, I have a B.S. in biochemistry from the University of Southern California (my J.D is from Stanford Law School where I served as co-editor-in-chief of the Stanford Journal of Law, Science, & Policy).

9. I have represented fintech entities other than OV Loop with respect to court litigation, arbitration, and IP counseling (with the arbitration and IP counseling prominently featuring patent matters).

10. I am counsel of record for OV Loop in *OV Loop, Inc. v. Mastercard, Inc.*, No. 7:23-cv-1773 (S.D.N.Y.) in which OV Loop asserts the patent at issue in this IPR. I am intimately familiar with the issues and subject matter presented in this above-captioned *inter partes* review proceeding. For example, I have extensively reviewed the above identified patent, its prosecution history, the Petition for IPR, and the principal references cited by the Petition for IPR.

11. 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 and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: November 7, 2023



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