

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

Case IPR2023-01360
Patent 9,609,544 B2

**DECLARATION OF JAMES PICKENS IN SUPPORT OF MOTION FOR
PRO HAC VICE ADMISSION OF JAMES PICKENS ON BEHALF OF
PATENT OWNER HEADWATER RESEARCH LLC**

I, James Pickens, do hereby declare:

1. I am an attorney at the firm of Russ August & Kabat.
2. I am a member in good standing of the State Bar of California. My State Bar Number in California is CA SBN 307474.
3. I am also a member in good standing of the State Bar of Florida. My State Bar Number in Florida is FL SBN 1018690.
4. I have not been suspended or disbarred from practice before any court or administrative body.
5. I have never had an application for admission to practice before any court or administrative body denied.
6. No sanction or contempt citation has been imposed against me by any court or administrative body.
7. 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 Title 37 Code of Federal Regulations.
8. I acknowledge that I will be subject to the U.S. Patent and Trademark Office Rules of Professional Conduct set forth in 37 C. F. R. § § 11.101, et seq. and to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

9. During the last three years, I have applied to appear *pro hac vice* in proceedings before the Office, including in IPR2020-01504 on behalf of Patent Owner EcoFactor, Inc.

10. I am an experienced patent litigation attorney. I have practiced patent litigation since 2016, and I have litigated numerous patent litigation matters in the U.S. district courts and U.S. International Trade Commission. For example, my experience includes significant roles in several different jury trials concerning issues of patent infringement, validity, and damages.

11. I represent Patent Owner Headwater Research LLC as an attorney in co-pending litigation in which U.S. Patent 9,609,544 is asserted against Petitioner. I have an established familiarity with the subject matter in this proceeding as a result of my role in the claim construction positions and responses to Petitioner's invalidity defenses, which overlap to a significant extent with the issues presented in this IPR proceeding.

12. I 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 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 18 U.S.C. § 1001.

Respectfully submitted,

Dated: June 7, 2024

/James Pickens/
Russ August & Kabat
12424 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90025
Phone: (310) 826-7474
Fax: (310) 826-6991
jpickens@raklaw.com