

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OMEGA LINER COMPANY, INC.,

Petitioner,

v.

BUERGOFOL GMBH,

Patent Owner.

Case IPR2023-01402

U.S. Patent 8,794,269

**DECLARATION OF MONTE M. BOND IN SUPPORT OF PETITIONER'S
MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. §42.10(c)**

I, Monte M. Bond, declare to the following in support of my application to appear *pro hac vice* before the Office in the PTAB review proceedings under the following Case Nos: IPR2023-01372 and IPR2023-01402:

1. I am a member in good standing of the State Bar of Texas, Arizona and the District of Columbia.

2. I have never 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.

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

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 37 C.F.R. Part 42.

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).

7. I have applied, and have been admitted by the Office, to appear *pro hac vice* before the Office. I have applied to appear before the PTAB in the following PTAB proceedings:

- *Sony Corp. v. Collabo Innovations, Inc.*, Case Nos. IPR2016-00938,

IPR2016-00939, IPR2016-00940, IPR2016-00941, IPR2017-00958, and IPR2017-00960.

- *Sharp Corp. and Sharp Electronics Corp. v. Wi-LAN Inc.*, Case No. IPR2016-00010.
- *Rockwell Automation, Inc. and Rockwell Automation Technologies, Inc. v. Automation Middleware Solutions, Inc.*, Case Nos. IPR2017-00049 and IPR2017-00023.

8. I am an experienced litigation attorney with more than 30 years of experience representing clients in cases involving patents or other intellectual property interests. I regularly litigate patent cases in various forums including federal district courts across the United States. Through my experience in patent litigation matters, I have represented clients in many phases of litigation including discovery, *Markman* hearings, dispositive motions, jury trials, and appeals. My biography along with a list of representative cases is attached hereto as Appendix A.

9. I have an established familiarity with the subject matter at issue in this proceeding, having represented Petitioner in a parallel court proceeding against Patent Owner involving U.S. Patent Nos. 9,657,882, 8,794,269 and related patents in *Buergofol GmbH v. Omega Liner Company, Inc.* Case No. 4:22-cv-04112 (D.S.D.). Thus, I am familiar with the subject matter at issue in this proceeding.

10. I am familiar with the technologies and issued claims in U.S. Patent Nos. 9,657,882 and 8,794,269. I am familiar with the prior art references cited in PTAB Case Nos. IPR2023-01372 and IPR2023-01402, and the associated invalidity grounds before the PTAB.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare 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 the Title 18 of the United States Code.

Respectfully submitted,

Dated: December 8, 2023

/Monte M. Bond/

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APPENDIX A

Monte M. Bond
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Monte's practice focuses on trials and appeals with over 30 years of experience and a track record of getting the results Clients want in complex commercial litigation, including patent, trademark, other IP related matters, product liability, and licensing across a wide range of technologies, including: wireless communications, telecom, signal processing, electrical, software, biotech, chemical, data compression, computer science, mechanical, business methods, medical devices, pharmaceuticals, and oil well and energy products and services.

Monte's vast and varied experience as a partner, section head or in-house counsel across several litigation and related disciplines provides clients with the means to create effective strategies tailored to their specific needs and the demands of the case and implement those strategies effectively and efficiently at trial, on appeal or in a settlement and licensing setting to maximize results for the client.

Specialties: Complex Commercial litigation, trials and appeals, patent, trademark, and other IP matters and related prosecution, IP licensing; acquisitions and due diligence.

Education

B.S., Mechanical Engineering, Southern Methodist University, 1984
J.D., Texas Tech University School of Law, 1988

Court Admissions

Supreme Court of Texas
Texas State Courts
United States Court of Appeals for the Federal Circuit
United States Court of Appeals for the Fifth Circuit
United States Court of Appeals for the Seventh Circuit
United States Court of Appeals for the D.C. Circuit
United States District Courts for the Northern, Southern, and Eastern Districts of Texas
United States District Courts for Delaware; Eastern District of Illinois; Northern

District of California (San Francisco and San Jose Divisions)

Bar Admissions

State Bar of Texas

District of Columbia Bar Association

Federal Circuit Bar Association

Representative IPR Proceedings

- *Sony Corp. v. Collabo Innovations, Inc.*, Case Nos. IPR2016-00938, IPR2016-00939, IPR2016-00940, IPR2016-00941, IPR2017-00958, and IPR2017-00960.
- *Sharp Corp. and Sharp Electronics Corp. v. Wi-LAN Inc.*, Case No. IPR2016-00010.
- *Rockwell Automation, Inc. and Rockwell Automation Technologies, Inc. v. Automation Middleware Solutions, Inc.*, Case Nos. IPR2017-00049 and IPR2017-00023.

Representative Litigation

- *Collabo Innovations, Inc. v. Omnivision Technologies, Inc.*, 1:16-cv-00197; in the United States District Court for the District of Delaware. Represented Collabo Innovations, Inc. in a multi-patent infringement case involving CMOS image sensor technology as part of an overall enforcement effort regarding a large patent portfolio. Companion cases were brought against *Aptina (U.S.) Inc. et al.*, 1:14-cv-01093; *Toshiba Corporation, Inc. et al.*, 1:15-cv-00608; *Sony Corporation, et al.*, 1:15-cv-01094; all in the United States District Court for the District of Delaware. Also represented Collabo in related Inter Parties Reviews (IPRs) before the Patent and Trademark Office and related appeals.
- *Wi-LAN v. LG Electronics et al.*, 2:13-cv-04895, in the United States District Court for the District of New Jersey; and related appeal *LG Electronics et al. v. Wi-LAN*, 14-3030 in the United States Court of Appeals for the Second Circuit. Represented Wi-LAN in a multi-patent infringement case involving digital television technology as part of an overall enforcement effort regarding a large patent portfolio. Companion cases included *Wi-LAN v. Sharp Corporation, et al.*, 1:15-cv-00379; and *Wi-LAN v. Vizio, Inc. et al.*, 1:15-cv-00788; all in the United States District Court for the District of Delaware. Also represented Wi-LAN in related arbitration regarding a license and in

Inter Parties Reviews (IPRs) before the Patent and Trademark Office.

- *Automation Middleware Solutions, Inc. v. Rockwell Automation, Inc. et al.*, 2:15-cv-01269; in the United States District Court for the Eastern District of Texas, Sherman Division. Represented Automation Middleware in a multi-patent infringement case relating to motion control systems for industrial machinery. Companion cases were brought against *Bosch Rexrothe Corp. et al.* (2:25-cv-01977); *Emerson Electric Co. et al.* (2:15-cv-01266); *Invensys Systems, Inc. et al.* (2:25-cv-00898); *Mitsubishi Electric Corp. et al.* (2:25-cv-01982); *Yaskawa America, Inc. et al.* (2:15-cv-01771); *Yokogawa Electric Corp. et al.* (2:15-cv-00899).
- *Realtime Data, LLC D/B/A/ IXO, v. Morgan Stanley et al.*, 1:11-cv-06696-RJH; in the United States District Court for the Southern District of New York. Acted as licensing and settlement counsel in joint representation with litigation counsel McKool Smith in multi-patent infringement actions involving data compression processes and systems used for sending and receiving market data against the financial industry involving over 20 defendants including Goldman Sachs, Morgan Stanley, NYSE, NASDAQ, Thomson Reuters and Bloomberg and over 300 potential licensees.
- *Wi-LAN v. Acer et al*, 2:07-cv-00473-TJW –CE; in the United States District Court for the Eastern District of Texas, Marshall Division. Oversight and management of outside counsel in a multi-case patent infringement action involving 3G (802.11(b)(g)(n)) wireless communication processes and technology for Wi-Fi and Wi-MAX against over 20 defendants including Apple, HP, Lenovo, Intel, and Broadcom.
- *T-Netix, Inc. et al, Inc. v. FSH Communications, LLC, et al*, Civil Action No. 2-06cv-426; in the United States District Court for the Eastern District of Texas, Marshall Division. Representation of FSH in a patent infringement case involving telecommunications and billing processes and technology.
- *Halliburton Energy Services, Inc. v. M-I, LLC, d/b/a M-I Swaco Drillings Fluids, L.L.C.*; Civil Action No. 06:05cv155; in the United States District Court for the Eastern District of Texas, Tyler Division. Representation of Halliburton in a patent infringement case involving drilling fluid technology.
- *William Reid, et al., v. Halliburton Company, et al.*; Civil Action No. 2:05cv401; in the United States District Court for the Eastern District of Texas, Marshall/Texarkana Division. Representation of Halliburton in a patent infringement case involving identity management for enterprise networks.

- *Weatherford/Lamb, Inc. v. Halliburton Co.*, Civil Action No. 2-05CV-78-TJW; in the United States District Court for the Eastern District of Texas, Marshall/Texarkana Division. Representation of Halliburton in a patent infringement case involving sand control screen tool technology.
- *Aceco Valves v. FMC*, Civil Action No. 591 TCK-PJC; in the United States District Court for the Northern District of Oklahoma. Representation of FMC as lead counsel in a patent infringement case involving pipeline valve technology.
- *In Re Compression Labs, Inc.*, Patent Litigation Civil Action No. MDL 05-1654 JF; in the Northern District of California, San Jose Division. Representation of Compression Labs (Forgent) in a multi-district patent infringement case involving JPEG imaging technology.
- *Chimie v. PPG Indus.*, Civil Action No. 01-389 KAJ; in the United States District Court for the District of Delaware. Representation of Rhodia-Chimie in a patent infringement case involving silica particulate technology. Appeal reported at *Chimie v. PPG Indus.*, 402 F.3d 1371 (Fed. Cir. 2005).
- *Monsanto Company v. Bayer Bioscience N.V.* (formerly known as Aventis CropScience N.V.) Civil Action No. 1:00CV00463; in the United States District Court for the Middle District of North Carolina. Representation of Bayer in a patent infringement case involving genetically modified corn.
- *Ericsson Inc. v. Harris Corporation*, Civil Action No. 3:98-CV-2903-D; in the United States District Court, Northern District of Texas, Dallas Division. Representation of Ericsson in a multi-patent infringement case involving wireless communications technology systems and software and handsets. Appeal reported at *Harris Corp. v. Ericsson Inc.*, 417 F.3d 1241 (Fed. Cir. 2005)
- *Agere Guradian Systems Corp. v. Proxim, Inc.*, Civil Action No. 01-339; in the United States District Court for the District of Delaware. Representation of Proxim in a multi-patent infringement case involving wireless communications involving 802.11(b) and integrated circuit technologies.
- *In the Matter of Certain Network Interface Cards and Access Points*, Investigation No. 337-TA-455; in the United States International Trade Commission, Washington, D.C. Represented Proxim before the ITC in a multi-patent infringement case involving 802.11 wireless communications technology against multiple respondents.
- *AT&T Corp. v. Excel Communications*, Civil Action No. 96-434 (SLR),

United States District Court for the District of Delaware. Represented Excel in a patent infringement case involving electronic billing methods. Appeal reported at AT&T Corp. v. Excel Communs., Inc., 172 F.3d 1352 (Fed. Cir. 1999).

- *Ericsson Inc., et al. v. Qualcomm Inc., et al.* Civil Action No. 2:96CV183; in the United States District Court for the Eastern District of Texas, Marshall Division. Represented Ericsson in a multi-patent infringement case involving wireless communications systems and processes.
- *Bradley Joseph Smith v. Robert Van Winkle a/d/a/ Vanilla Ice, Tommy Quon, Greg Synodis, TeleVisions Corporation, Screen Gems-EMI Music, Inc. d/b/a/ SBK Records, Capitol-EMI Music, Inc, Thorn-EMI North American Holdings, Inc., Video Jukebox Network, Viacom International, Inc. d/b/a/ Music Television Network, MTV Networks, a division of Viacom International, Inc. v. Ultrax Records, Inc. as successor to Ultra Records, and Ichiban Records*, Case No. 3:93-CV-2241-P; in the United States District Court, Northern District of Texas, Dallas Division. Represented Defendant "Vanilla Ice" in copyright infringement case.
- *Am Can Enterprises, Inc. v. Richard Renzi, et al.*, Case No. 90-C-3983; in the United States District Court for the Northern District of Illinois, Eastern Division. Represented three individual Defendants in trademark/trade dress infringement case involving marks and trade dress relating to directory publications. Case reported at AmCan Enters. v. Renzi, 32 F.3d (7th Cir. 1994).
- *S. Richard Szczepanik v. First Southern Holding Company*, No. 91-03174-L; in the 193rd Judicial District Court, Dallas County, Texas. Represented Defendant in a breach of contract and trade secret misappropriation case. Case reported at First S. Trust Co. v. Szczepanik, 880 S.W.2d 10 (Tex. App. Dallas 1993) and Szczepanik v. First S. Trust Co., 883 S.W.2d 648 (Tex. 1994).
- *Steven L. Neusse v. Vernon Wells*, Case No. 3:93-CV-1190-D; in the United States District Court, Northern District of Texas, Dallas Division. Represented Defendant in a copyright ownership/infringement case.
- *American Telecommunications Management Corporation v. John Wachsmuth*, Case No. 92-11530-E; in the 101st Judicial District Court, Dallas County, Texas. Represented Plaintiff in trade secret misappropriation case.
- *Allied Marketing Group, Inc. d/b/a/ Sweepstakes Clearinghouse v. National Market Center*, Case No. CA 3:92-00067-P; in the United States District Court, Northern District of Texas. Acted as local counsel for Defendant in

copyright/trademark infringement case.

- *Kinlaw Oil Corporation and Kinlaw Securities Corporation v. H. Dawson French, Charles M. Hamilton and David French*, Case No. 93-04974-C; in the 68th Judicial District Court, Dallas County, Texas. Represented Plaintiff in a trade secret misappropriation case.
- *M-I Swaco v. Halliburton*, Civil Action No. 3:98-CV-2903-D; in the United States District Court, Central District of California. Representation of Halliburton in a Walker Process anti-trust suit.
- *The Glazier Group, Inc., et al., v. Mandalay Corp., et al.*; Civil Action No. H-06-02752; in the United States District Court for the Southern District of Texas, Houston Division. Representation of Glazier Group in a trademark infringement case involving the mark "Strip House" for steak house restaurants.
- *Grover Products, Inc. v. Gabbert Equipment Inc.*, Civil Action No. CV-06-8158; in the United States District Court for the central District of California, Los Angeles Division. Representation of Gabbert Equipment in a trademark, domain name, breach of contract case.
- *Capital One Financial Corp. v. Drive Financial Services LP, et. al.* Civil action No. 1:06cv279; in the United States District Court for the Eastern District of Virginia, Alexandria Division. Represented Drive Financial Services in a declaratory judgment action regarding trademark infringement.
- *Bright Chair Company v. Trademango Solutions, Inc.*, 15 CV 9980; in the United States District Court Southern District of New York. Represented Trademango in a trademark dispute regarding the trademark "Bright" for furniture.