UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and
NINTENDO OF AMERICA INC.,
Petitioners,

v.

AMERICAN GNC CORPORATION,
Patent Owner

IPR2024-00668
U.S. Patent No. 6,671,648 B1

DECLARATION OF COREY JOHANNINGMEIER IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

I, Corey Johanningmeier, being duly sworn and upon oath, hereby attest to the following:

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

2. I have never been suspended or disbarred from practice before any court or administrative body.

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

4. No sanction or contempt citation has ever 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 Part 42 of Title 37, 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).

7. In the last three (3) years, I have appeared *pro hac vice* before the Office in unrelated matters IPR2020-00122, IPR2020-00123, IPR2022-00575, IPR2022-00576, IPR2022-01283, IPR2021-00076, IPR2021-00077, IPR2022-00792, IPR2023-00694, IPR2023-00697, and IPR2023-00698, wherein the Board granted my *pro hac vice* application. I also filed a *pro hac vice* application in

another related proceeding, IPR2020-00484, which was terminated before a ruling on my application was made, and submitted an application in an *ex parte* reexamination Appeal, 2022-004880, which was not granted for technical reasons.

8. I am an experienced litigation attorney having familiarity with the subject matter at issue in this proceeding. I have been practicing law since 2007 and have extensive experience litigating patent infringement cases in many different District Courts across the country and in the Federal Circuit, including participation in multiple trials, *Markman* hearings, summary judgment proceedings, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and/or infringement. I have presented and cross-examined inventors and expert witnesses in patent trials. I have also received professional recognition in the field of patent litigation, such as invitations to speak and publish on patent litigation matters, and have been recognized as a "Super Lawyers Rising Star," a "Super Lawyer," and a Managing Intellectual Property "IP STAR."

9. I am very familiar with the '648 Patent and the subject matter at issue in this *inter partes* review proceeding. I am the lead attorney for American GNC in the pending District Court litigation in *American GNC Corp. v. Nintendo Co., Ltd., et al.*, Case No. 2:23-cv-00302-TL, pending in the United States District Court for the Western District of Washington, in which the '648 Patent is asserted. I have represented Patent Owner against Petitioner in that pending District Court

litigation since its commencement in March of 2023. As counsel in the District Court litigation, I have, among other things, been extensively involved with analysis of the ’648 Patent, including with respect to validity issues.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of April, 2024, in Oakland, California.

/s/ Corey Johanningmeier
Corey Johanningmeier