UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

THETA IP, LLC,
Patent Owner

IPR2024-00819
U.S. Patent No. 11,564,164

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 IPR2023-00694, IPR2023-00697, IPR2023-00698, which involved challenges to patents in the same patent family brought by petitioners Lenovo (United States) Inc. & Motorola Mobility LLC, and in the following matters involving patents not related to the family of patents at issue in this proceeding:

IPR2020-00122, IPR2020-00123, IPR2022-00575, IPR2022-00576, IPR2022-01283, IPR2021-00076, IPR2021-00077, IPR2022-00792, IPR2024-00667, and IPR2024-00668, wherein the Board granted my *pro hac vice* application. I also filed a *pro hac vice* application in proceeding IPR2020-00484, which was terminated before a ruling on my application was made.

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 '164 Patent and the subject matter at issue in this *inter partes* review proceeding. I am one of the primary attorneys in the pending District Court litigations in *Theta IP, LLC v. Motorola Mobility LLC, et al.*, Case No. 1:22-cv-03441 (N.D. Ill.) and *Theta IP, LLC v. Apple Inc.*, Case No.

6:23-cv-00314-ADA (W.D. Tex.), in which the ’164 Patent and other patents in the same family are asserted. I have represented Patent Owner against Petitioner in those pending District Court litigations since their commencement. As counsel in the District Court litigations, I have, among other things, been extensively involved with analysis of the ’164 Patent and related patents in the same patent family, including with respect to validity issues.

10. In addition, I was one of the primary attorneys representing Theta in the District Court litigation *Theta IP, LLC v. Samsung Electronics Co., Ltd.*, Case No. WA:20-cv-00160-AD (W.D. Tex.) in which Theta patents related to the ’164 Patent were asserted, and which included analysis of issues related to prior art and validity.

11. I was also principally involved in three IPR proceedings involving the Theta patent family challenged by Petitioner in this and related proceedings, where I was admitted *pro hac vice*: *Lenovo (United States) Inc. & Motorola Mobility LLC v. Theta IP LLC*, No. IPR2023-00694 (Patent 7,010,330 B1); *Lenovo (United States) Inc. & Motorola Mobility LLC v. Theta IP LLC*, IPR2023-00697 (Patent 10,129,825 B2); *Lenovo (United States) Inc. & Motorola Mobility LLC v. Theta IP LLC*, IPR2023-00698 (Patent 10,524,202 B2).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of August, 2024, in Oakland, California.

/s/ Corey Johanningmeier
Corey Johanningmeier