UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners

v.

MAXELL, LTD.,
Patent Owner

Inter Partes Review No.: IPR2024-00867
U.S. Pat. No. 10,176,848

DECLARATION OF MARTIN M. ELLISON IN SUPPORT OF PETITIONER'S NOTICE OF INTENT TO DESIGNATE MARTIN M. ELLISON AS A PROVISIONALLY RECOGNIZED PTAB ATTORNEY ELIGIBLE FOR AUTOMATIC *PRO HAC VICE* ADMISSION AS BACK-UP COUNSEL PURSUANT TO 37 C.F.R. § 42.10

I, Martin M. Ellison, declare as follows:

1. I am an associate at DLA Piper LLP (US). As described in greater detail below, I satisfy all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney.

2. I am an experienced litigation attorney with an established familiarity with the patent involved in this IPR by way of being counsel of record in co-pending litigation involving Patent No. 10,176,848 ("the '848 patent"), *Maxell, Ltd. v. Samsung Electronics Co., Ltd., et al.*, Case No. 5:23-cv-00092. As part of that litigation, I have familiarized myself with the '848 patent, its file history, the underlying technology, and the prior art references involved in these proceedings.

I have experience in numerous patent infringement litigation matters in the federal court system. I have experience in trials and *Markman* hearings. I have gained experience conducting technical infringement and validity analysis, working with technical experts to prepare reports on infringement and validity issues, preparing for depositions of technical experts and fact witnesses, briefing claim construction issues, preparing for Markman hearings, drafting dispositive motions on a range of technical issues, and representing clients in patent litigation trials and hearings before district courts around the country. Further, I have assisted my colleagues at DLA Piper in proceedings before the Board, and I am familiar with its established practices.

3. I am a member in good standing of the State Bar of California and the United States District Courts of Central and Eastern California.

4. I have never been suspended or disbarred from practice before any court or administrative body. No application of mine for admission to practice before any court or administrative body has ever been denied. No court or administrative body has imposed sanctions or contempt citations against me.

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 37 C.F.R. I acknowledge and agree that I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a).

6. I have previously applied for *pro hac vice* admission before the Office, and have previously been recognized *pro hac vice* in a Board proceeding in at least the following IPR proceeding: IPR2015-01192. I have also not been subsequently denied permission to appear *pro hac vice* in a Board proceeding.

7. 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 are 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.

9. I executed this declaration on January 21, 2025, in Los Angeles, CA.

Date: January 21, 2025

/ Martin M. Ellison /

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