UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAPITAL ONE, NATIONAL ASSOCIATION,
Petitioner,

v.

IMPLICIT, LLC,
Patent Owner.

Case IPR2024-00878
U.S. Patent No. 7,774,740

DECLARATION OF DEVON BEANE IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

CAPITAL ONE EXHIBIT 1026
Capital One v. Implicit
IPR2024-00878

I, Devon Beane, do hereby declare as follows:

1. I am an intellectual property litigation attorney at K&L Gates LLP, with over thirteen (13) years of experience representing clients in a range of patent litigation matters in district courts across the country, in the Court of Appeals for the Federal Circuit, and in the International Trade Commission.

2. I am a member in good standing of the Bar of the State of Illinois. I am also admitted to practice before the United States District Court for the Northern District of Illinois, the United States District Court for the District of Colorado, and the United States Court of Appeals for the Federal Circuit.

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

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

5. I have never been sanctioned or cited for contempt by any court or administrative body.

6. 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.

7. I agree to be subject to the U.S.P.T.O. 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).

8. In the past three years, I have applied to appear *pro hac vice* before the U.S. Patent and Trademark Office in the following matters: IPR2021-01450, IPR2021-01451, IPR2021-01452, IPR2021-01453, IPR2022-00189, IPR2022-00190, IPR2022-00191, IPR2022-00487, IPR2022-00488, and IPR2023-00014. I am concurrently applying for *pro hac vice* admission in IPR2024-00643 and IPR2024-00787.

9. I am familiar with the subject matter of U.S. Patent No. 7,774,740, its prosecution history, and the prior art at issue in this proceeding. I have reviewed in detail the patent, pleadings, and exhibits in the instant proceeding. I have also engaged in extensive strategic and substantive discussions regarding this proceeding with Petitioner's lead counsel, Jason Engel.

10. Additionally, I have participated on behalf of Petitioner Capital One National Association in the district court action captioned *Implicit, LLC v. Capital One, National Association,* Case No. 4:23-cv-00770-SDJ (E.D. Tex.), which involves U.S. Patent No. 7,774,740.

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.

Executed on: June 6, 2024

By: /Devon C. Beane/

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