UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc.,
Petitioner,

v.

Varia Holdings LLC,
Patent Owner.

U.S. Patent No. 9,405,947

Inter Partes Review Case No. 2024-01363

DECLARATION OF DANIEL A. APGAR IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

I, Daniel A. Apgar, declare as follows:

1. I am an experienced litigating attorney with more than ten (10) years of experience.

2. I have been litigating patent cases for at least ten (10) years.

3. I am a member in good standing of the New York State Bar and am admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York.

4. I have never been suspended or disbarred from practice before any court or administrative body. I have never had an application for admission to practice before any court or administrative body denied. I have had no sanctions or contempt citations imposed against me by any court or administrative body.

5. I am familiar with the subject matter at issue in IPR2024-01362, IPR2024-01363, and IPR2024-01634, and am counsel for Varia Holdings LLC in the district court case of *Varia Holdings LLC v. Apple Inc.*, Case No. 1:23-cv-07477-RPK-RML, involving U.S. Patent Nos. 8,381,974; U.S. Patent No. 9,405,947; and U.S. Patent No. 8,127,984.

6. I have reviewed U.S. Patent Nos. 8,381,974; U.S. Patent No. 9,405,947; and U.S. Patent No. 8,127,984, the Petitions in each of IPR2024-01362, IPR2024-01363, and IPR2024-01634, and am familiar with the record and filings in these IPR proceedings.

7. 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 the C.F.R.

8. I agree to 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).

9. I have not applied to appear *pro hac vice* in any proceeding before the Office besides these proceedings between Patent Owner Varia Holdings LLC and Petitioner Apple Inc. (IPR2024-01362, IPR2024-01363, and IPR2024-01634).

10. 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.

Dated: November 17, 2025 By: _____

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