UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC

Petitioner

v.

GESTURE TECHNOLOGY PARTNERS, LLC

Patent Owner

IPR2021-00917
U.S. Patent 7,933,431

DECLARATION OF KEVIN JAKEL

Unified Patents Exhibit 1020

I, Kevin Jakel, hereby declare as follows:

I. INTRODUCTION

1. I am a founder and the current CEO of Unified Patents, LLC ("Unified"). I am over 21 years and otherwise competent to make this Declaration. I make this Declaration based on facts and matters within my own knowledge and on information provided to me by others, and, if called as a witness, I could and would competently testify to the matters set forth herein.

2. Unified was founded by intellectual property professionals over concerns with the increasing risk of non-practicing entities ("NPEs") asserting patents of poor quality against strategic technologies and industries. The founders thus created a first-of-its-kind company whose purpose is to protect technology sectors, also referred to as zones, by deterring the assertion of invalid or low-quality patents. Some companies in a technology sector, referred to herein as "Members," subscribe to one or more of Unified's technology-specific NPE zones. Members pay a yearly subscription fee to a specific NPE technology zone based generally on when each Member subscribes.

3. Unified performs many deterrent activities, including data analytics, analyzing the technology sector and monitoring patent activity (including patent ownership and sales, demand letters and litigation, and industry companies), prior art searching, prior art contests, validity and patentability analyses, reissue protests,

amicus briefing, and post-grant review requests. Unified's deterrent activities allow it to identify patents, perform prior art research, analyze invalidity, and to sometimes file reexaminations or post-grant proceedings against some patents, such as *inter partes* reviews ("IPRs"), post grant reviews ("PGRs"), and *ex parte* reexaminations ("EPRs") before the United States Patent and Trademark Office ("USPTO"), or proceedings overseas, such as European Patent Oppositions ("EPOs").

4. Unified exercises sole and absolute discretion over its decision to contest patents through the USPTO's post-grant proceedings. Based on its own analysis, Unified determines which patents are worth pursuing in terms of searching for prior art or taking action, including filing a PGR, IPR, or EPR. Unified's decisions to file a PGR, IPR, or EPR are made independently without the input, assistance, or approval of any of Unified's Members. Should Unified decide to challenge a patent in a post-grant proceeding, Unified controls every aspect of such a challenge, including controlling which patent and claims to challenge, which prior art to apply and the grounds raised in the challenge, when to bring any challenge, and whether to settle or otherwise end any challenge.

5. Unified does not discuss the preparation of any patentability challenge with Members or potential Members, including whether Unified will or will not file a petition or whether a Member desires that Unified file a petition. Unified does not send to, or solicit or consider from, Members or potential Members any

communications directing which patent or group of patents are to be considered for a PGR, IPR, or EPR. Further, Unified does not send to, or solicit or consider from, any company's preferences, suggestions, or desires as to the selection of a patent or group of patents for a PGR, IPR, or EPR. Unified identifies potential patents to challenge based on publicly available information obtained solely through Unified's own independent search of publicly available legal databases and information.

6. Unified does not communicate with Members about their litigation strategies in district court, before the USPTO and/or before other forums, including whether Members may pursue or have pursued their own patent challenges. Unified does not communicate with Members about any settlement strategies or settlement negotiations Members may have with patent owners, nor does Unified inform Members about any settlement strategies or settlement negotiations Unified may have with patent owners in pursuit of settling Unified's patent challenge.

7. Members receive no prior notice of Unified's patent challenges. Unified does not give Members an opportunity to participate in or an opportunity to even know that Unified is contemplating filing a PGR, IPR, or EPR before the petition is filed.

8. After filing a post-grant proceeding, Unified retains sole and absolute discretion and control over all strategy decisions (including any decision to continue or terminate Unified's participation). Unified is also solely responsible for paying

for the preparation, filing, and prosecution of any PGR, IPR, or EPR, including any expenses associated with the proceeding.

9. Unified's Members do not pay any fees designated for post-grant proceedings (e.g., IPRs, PGRs, or EPRs), let alone for post-grant proceedings against specific patents. It is Unified and Unified alone that determines how to spend its money. Unified independently selects which patents to target based on the perceived deterrent value to a technology zone and not on behalf of any specific Member(s) to resolve their litigation. Based on its own analysis, Unified determines which patents are worth pursuing in terms of filing a post-grant proceeding, such as a PGR or IPR, or performing some other activity. Unified's decisions to file a post-grant proceeding, such as a PGR, IPR, or EPR, are made independently without the input, assistance, or approval of its Members.

10. Unified has no explicit or implicit agreements with its Members about Unified performing any particular deterrent strategy, including the instant IPR (*see* Sec. II, below).

11. No other entity or individual outside of Unified controls Unified. There are no board Members of Unified that participate on any boards of directors for any of Unified's Members.

12. As stated on Unified's website for many years (https://www.unifiedpatents.com/faq/), Unified acts independent of its Members or

any other company. Unified is not a law firm and does not have an attorney-client relationship with Members.

II. THE INSTANT IPR

13. Unified exercised its sole discretion and control in deciding to file a petition in the instant IPR, IPR2021-00917, against U.S. Patent 7,933,431 (the "Patent-at-Issue"), including paying for all fees and expenses. No individuals other than Unified's employees, counsel, and consultants acting under the direction of counsel had any prior knowledge of the filing of the instant IPR. And no Member had any involvement in the preparation of, payment for, or decision to file this Petition. And none of Unified's Members had any prior knowledge of, or involvement in, the preparation and filing of the petition for the instant IPR. Unified also had no discussions with any Member regarding whether any Member desired Unified to challenge the Patent-at-Issue. Further, Unified did not send to, or solicit or consider from, a Member any directions identifying (a) a patent or group of patents to be considered for the instant IPR or (b) any Member's requests, instructions, preferences, suggestions, or desires regarding the selection of a patent or group of patents for the instant IPR.

14. Unified shall exercise sole and absolute control and discretion of the continued prosecution of the instant IPR (including any decision to terminate Unified's participation) and shall bear all costs related to the instant IPR.

III. VERIFICATION

15. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and 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 Title 18 of the United States Code.

Date: 05/11/2021

By: Kevin Jakel
Kevin Jakel