

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DATASPEED INC.,

Petitioner,

v.

SUCXESS LLC,

Patent Owner.

Case IPR2020-00116

Patent 9,871,671

**DECLARATION OF MAXWELL GOSS IN
SUPPORT OF MOTION TO APPEAR *PRO HAC VICE*
ON BEHALF OF PATENT OWNER SUCXESS LLC**

I, Maxwell Goss, declare:

1. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently under oath.

2. I am a member in good standing of the State Bar of Michigan (Bar No. P78594) and the State Bar of Texas (Bar No. 24069813). I am also a member in good standing of the United States District Court for the Eastern District of Michigan; the United States District Court for the Western District of Michigan; the United States District Court for the Eastern District of Texas; the United States District Court for the Western District of Texas; the United States District Court for the Northern District of Texas; the United States District Court for the Southern District of Texas; the United States District Court for the District of Colorado; the United States District Court for the Northern District of Illinois; the United States District Court for the Northern District of Ohio; and the United States Court of Appeals for the Sixth Circuit.

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

4. None of my applications for admission to practice before any court or administrative body have ever been denied.

5. I have not been sanctioned nor have I had a contempt citation imposed on me 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 Trial set forth in part 42 of 37 C.F.R.

7. I acknowledge that 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).

8. I have not previously applied to appear *pro hac vice* in any other proceeding before the Patent Trial and Appeal Board.

9. I am an experienced litigating attorney. I have been a litigator for ten years. During that time, I have represented clients in numerous patent infringement cases in courts around the country, including the United States District Courts for the Eastern District of Texas, the Northern District of California, the District of Delaware, the District of Colorado, the District of Minnesota, and elsewhere. I have worked with infringement, validity, claim construction, fact and expert discovery, and other issues.

10. I am familiar with the subject matter at issue in this proceeding. I represented Patent Owner *Sucess LLC v. Voyage Auto, Inc.* (Civil Action No. 1:19-cv-00679), in the United States District Court for the District of Delaware,

which related to U.S. Patent No. 9,871,671, the patent at issue in this proceeding. I also represent Patent Owner in five lawsuits now pending in the United States District Court for the District of Delaware, which relate to two other patents in the same family, U.S. Patent Nos. 10,027,505 and 10,454,707. I have studied and analyzed the field of technology relevant to the '671 Patent, as well as the claims, specification, and prosecution history of the '671 Patent. I have carefully reviewed the Petition submitted by Petitioner and all exhibits attached to the Petition.

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

Executed on November 18, 2019 in Birmingham, Oakland County,
Michigan.

A handwritten signature in black ink, appearing to read 'Maxwell Goss', written over a horizontal line.

Maxwell Goss

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Declaration of Maxwell Goss was served on Petitioner's counsel of record via electronic mail on November 19, 2019 at the following addresses:

Peter W. Gowdey - pgowdey@dbjg.com

Wayne M. Helge - whelge@dbjg.com

James T. Wilson - jwilson@dbjg.com

with a copy sent to ESong@dbjg.com

Respectfully submitted,

Date: 19 November 2019

By: /Axel Nix/
Bernd Axel Nix
Registration No. 59184
Counsel for Patent Owner
Success LLC