

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC., ZTE (USA) INC.,
and
ZTE CORPORATION,
Petitioners

v.

3G LICENSING S.A.,
Patent Owner

IPR2020-01157
U.S. Patent No. 7,274,933

**AFFIDAVIT OF MR. NEIL BENCHELL IN SUPPORT OF
PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION**

I, Neil Benchell, recognizing that willfully false misstatements subject me to the penalty of perjury, hereby apply to appear *pro hac vice* before the Office in *Inter Partes* Review proceedings for PTAB Case No. IPR2020-01157, and attest to the following:

1. I am an intellectual property litigation attorney at Devlin Law Firm LLC (“Devlin Law Firm”). I joined Devlin Law Firm as an intellectual property litigation attorney in 2018 and have been practicing in that capacity for 20 years at several other law firms. While at previous firms and since joining Devlin Law Firm, I have primarily focused my practice on patent litigation. In that time, 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, and representing clients in patent litigation trials and hearings before district courts around the country.

2. I am a member in good standing of the Bar of Illinois.

3. 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 administrated body has ever been denied. No court or administrative body has imposed sanctions or contempt citations against me. I have

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

4. 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.

5. I will be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. § § 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

6. I am concurrently applying for *pro hac vice* admission in the following proceedings: IPR2020-1158, IPR2020-1159, IPR2020-1160, IPR2020-1161, and IPR2020-1162. I was previously admitted *pro hac vice* in IPR proceeding IPR2020-00451, IPR2020-1070, IPR2020-1071, IPR2020-1099, IPR2020-1102 and IPR2020-1103. (*Id.* at ¶ 6.)

7. I am a litigation attorney with 20 years of experience representing clients in patent cases involving a variety of technologies including computer networking and wireless communications, and software technologies. I regularly litigate patent cases in federal district courts and have been involved in various phases of litigation including claim construction, summary judgment, and expert discovery and trial.

8. I have an established familiarity with the subject matter at issue in this proceeding. Specifically, I am familiar with the technology and issued claims in

U.S. Patent No. 7,274,933 (the “933 patent”). I am also familiar with the prior art references cited by Petitioners in this proceeding and the alleged grounds of invalidity. I also participated in drafting the Patent Owner’s Preliminary Response in this proceeding. Moreover, I have engaged and will continue to engage in extensive strategic and substantive discussions regarding this proceeding with Timothy Devlin, who is a registered practitioner and the lead counsel for Patent Owner in this proceeding.

9. 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.

10. I executed this declaration on May 7, 2021, in Chicago, Illinois.

Dated: May 7, 2021

Respectfully submitted,

/s/Neil Benchell
Neil Benchell
Devlin Law Firm LLC
1526 Gilpin Avenue
Wilmington, Delaware 19806
Tel: (302) 449-9010
Fax: (302) 353-4251
nbenchell@devlinlawfirm.com