

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FITBIT, INC.,  
Petitioner

v.

ALIPHCOM, INC. D/B/A JAWBONE  
Patent Owner

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Case IPR2016-00607  
U.S. Patent No. 8,529,811

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**DECLARATION OF MICHAEL C. HENDERSHOT**

I, Michael C. Hendershot, do hereby declare as follows:

1. I am a member in good standing of the State Bar of California.
2. I am an attorney at Paul Hastings LLP. I am an experienced patent litigation attorney with more than sixteen years of experience. In that time, I have served as counsel in numerous patent infringement lawsuits in district court and at 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 had sanctions or contempt citations imposed 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 title 37 of the Code of Federal Regulations.
7. I agree to 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 applied to appear *pro hac vice* in any other proceeding before the U.S. Patent and Trademark Office in the last three (3) years. I am

concurrently applying to appear *pro hac vice* in IPR2016-00545 and IPR2016-00714.

9. I am very familiar with the subject matter at issue in this proceeding, and particularly with the patent-at-issue in this proceeding, U.S. Patent No. 8,529,811. I have extensively reviewed the '811 patent and the other papers associated with this matter in detail, and was involved with preparing the Petition and accompanying exhibits filed in this proceeding.
10. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and 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 understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

Dated: January 19, 2017

By: /Michael C. Hendershot/  
Michael C. Hendershot  
Paul Hastings LLP  
1117 S. California Ave.  
Palo Alto, CA 94304