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7 Attorneys for Defendant  
 SAN DIEGO COUNTY REGIONAL AIRPORT  
 8 AUTHORITY

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 PARK ASSIST, LLC,  
 13  
 Plaintiff,  
 14  
 v.  
 15 SAN DIEGO COUNTY REGIONAL  
 16 AIRPORT AUTHORITY and ACE  
 PARKING MANAGEMENT, INC.,  
 17  
 Defendants.

Case No. 3:18-cv-02068-BEN-MDD  
**DECLARATION OF ERIC M.  
 ACKER IN SUPPORT OF SAN  
 DIEGO COUNTY REGIONAL  
 AIRPORT AUTHORITY'S  
 MOTION TO DISMISS  
 AMENDED COMPLAINT UNDER  
 35 U.S.C. § 101**

Date: December 10, 2018  
 Time: 10:30 a.m.  
 Ctrm: 5A  
 Judge: Hon. Roger T. Benitez

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1 I, Eric M. Acker, declare as follows:

2 1. I am an attorney licensed to practice before this Court and the courts of  
3 the State of California. I am a partner with the law firm of Morrison & Foerster  
4 LLP. I make this declaration based on personal knowledge and, if called as a  
5 witness, I could and would testify competently to the matters set forth herein. I  
6 make this declaration in support of San Diego County Regional Airport Authority's  
7 Motion to Dismiss Amended Complaint Under 35 U.S.C. § 101.

8 2. Attached hereto as Exhibit 1 is a set of excerpts from a certified, true,  
9 and correct copy of the prosecution history for U.S. Patent No. 9,594,956.

10 I declare under penalty of perjury under the laws of the United States that the  
11 foregoing is true and correct.

12 Executed on November 8, 2018, in San Diego, California.

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14 By: /s/Eric M. Acker  
Eric M. Acker  
EAcker@mofo.com

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**CERTIFICATE OF SERVICE**

The undersigned hereby certified that on November 8, 2018 a true and correct copy of the foregoing was transmitted electronically to the Electronic Filing System of the United States District Court for the Southern District of California which, under Local Civil Rule 5.4(b)-(d), is believed to have sent notice of such filing, constituting service of the filed document, on all Filing Users, all of whom are believed to have consented to electronic service.

Executed on November 8, 2018, at San Diego, California.

/s/ Eric M. Acker  
EAcker@mofo.com