

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC. ET AL.

Petitioner

v.

Patent of VERSATA DEVELOPMENT GROUP, INC.

Patent Owner

Case CBM2012-00001

Patent 6,553,350

**PATENT OWNER VERSATA DEVELOPMENT GROUP, INC.'S
MOTION FOR ADMISSION *PRO HAC VICE*
OF SCOTT L. COLE**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10 and the Order – Authorizing Motions for Pro Hac Vice Admission – 37 C.F.R. § 42.10, dated October 15, 2012 (Paper 9), Patent Owner, Versata Development Group, Inc., requests that the Board admit Scott L. Cole *pro hac vice* in this proceeding.

II. Statement of Facts Showing There is Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. § 42.10(c) indicates that, “where lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Scott Cole *pro hac vice* during this proceeding.

1. Lead counsel, Nancy J. Linck, is a registered practitioner.
2. Counsel, Scott L. Cole, is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding. Accompanying this motion is the Declaration Scott L. Cole in Support of Motion for Admission *Pro Hac Vice* (“Cole Dec.”). In the Cole Dec., Mr. Cole states, *inter alia*, that: “I am a member in good standing of the Bar of the State of Texas and am admitted to practice in the United States District

Court for the Eastern, Western, and Northern Districts of Texas, the Court of Appeals for the Fifth Circuit, and the Court of Appeals for the Federal Circuit. I have been in private practice since 1994 and have been litigating patent cases since 2004.” Cole Dec., ¶ 1. He also states that: “I am familiar with the subject matter at issue in this proceeding. I am lead counsel in the *Versata v. SAP* patent infringement litigation (Civil Action No. 07-cv-00153), which involved the same patent at issue in this proceeding.” *Id.*, ¶ 8.

3. In the Cole Dec., Mr. Cole attests to each of the listed items required by Section 2.b. of the Order – Authorizing Motions for Pro Hac Vice Admission – 37 C.F.R. § 42.10, dated October 15, 2012 (Paper 9). *See* Cole Dec., ¶¶ 1-8.

III. Conclusion

For the foregoing reasons, Patent Owner, Versata Development Group, Inc., respectfully requests that the Board admit Scott L. Cole *pro hac vice* in this proceeding.

Respectfully submitted,

Date: October 24, 2012

By: /s/ Martin M. Zoltick
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2012, a true and correct copy of the foregoing PATENT OWNER VERSATA DEVELOPMENT GROUP, INC.'S MOTION FOR ADMISSION *PRO HAC VICE* OF SCOTT L. COLE and DECLARATION OF SCOTT L. COLE IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE*, were served via electronic mail and overnight courier upon the following counsel of record for Petitioners SAP America, Inc. and SAP AG:

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