

Petitioner

v.

**PROGRESSIVE CASUALTY INSURANCE CO.**  
Patent Owner

---

Case CBM2012-00003  
Patent 8,140,358

---

Before the Honorable JAMESON LEE, JONI Y. CHANG, and MICHAEL R. ZECHER,  
*Administrative Patent Judges.*

**UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF JAMES R. MYERS**

Pursuant to Rule 42.10(c), and as authorized in the Board's Order on the Conduct of the Proceeding (Paper 19), Petitioner Liberty Mutual Insurance Company ("Liberty Mutual") respectfully requests *pro hac vice* admission of James R. Myers as counsel in this proceeding.

## II. Statement of Facts

The following statement of facts demonstrates that there is good cause for the Board to recognize James R. Myers as counsel *pro hac vice* in this proceeding.

Mr. Myers is an experienced litigation attorney and has an established familiarity with the subject matter at issue in this proceeding. Mr. Myers has been practicing law since 1976 and has extensive experience litigating patent infringement cases in many different District Courts across the country. Among his experience in patent litigation matters, Mr. Myers has been lead counsel in multiple trials, *Markman* hearings, patent summary judgment proceedings, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and infringement issues. Mr. Myers has also been recognized as a leading patent litigation attorney by several different organizations, including *Who's Who in America*, *Who's Who in American Law*, *Who's Who in the World*, *Euromoney's Guide to the World's Leading Patent Law Experts*, *Intellectual Asset Magazine Patent 1000*, and *ThomsonReuters Washington DC Super Lawyers*.

Progressive first filed its infringement action involving its telematics patent portfolio against Liberty Mutual—asserting U.S. Patent No. 6,064,970, a direct parent to the ‘358 Patent. Mr. Myers has been actively involved as lead counsel for Liberty Mutual throughout the life of the District Court case, including since August 2012 when Progressive amended its complaint to add assertions of patent infringement involving the ‘358 Patent. As lead counsel in the District Court litigation, Mr. Myers has, among other things, been heavily involved with forming non-infringement and invalidity positions against Progressive’s telematics patent portfolio. Accordingly, Liberty Mutual prefers that Mr. Myers continue as counsel in this CBM proceeding as well; and, further, Progressive does not oppose Mr. Myers being admitted *pro hac vice*.

### **III. Declaration of James R. Myers**

As directed by the Board, this Motion is also accompanied by the Declaration of James R. Myers in Support of Motion for *Pro Hac Vice* Admission attesting to the requirements laid out in the Board’s Order Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00010 (MPT) (Paper 6).

Dated: March 14, 2013

Respectfully submitted,

By: /Nicole M. Jantzi/  
J. Steven Baughman, Lead Counsel  
Nicole M. Jantzi  
**ROPES & GRAY LLP**  
Prudential Tower  
800 Boylston Street  
Boston, Massachusetts 02199-3600  
Steven.baughman@ropesgray.com  
Nicole.jantzi@ropesgray.com

*Attorneys for Petitioner Liberty Mutual  
Insurance Co.*

Petitioner

v.

**PROGRESSIVE CASUALTY INSURANCE CO.**  
Patent Owner

---

Case CBM2012-00003  
Patent 8,140,358

---

Before the Honorable JAMESON LEE, JONI Y. CHANG, and MICHAEL R. ZECHER,  
*Administrative Patent Judges.*

**DECLARATION OF JAMES R. MYERS IN SUPPORT OF MOTION FOR  
PRO HAC VICE ADMISSION**

I, James R. Myers, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the Bars of Virginia, Massachusetts, and the District of Columbia.
2. I have never been suspended or disbarred from practice before any court or administrative body.
3. I have never been denied an application for admission to practice before any court or administrative body.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.