

Petitioner

v.

PROGRESSIVE CASUALTY INSURANCE CO.
Patent Owner

Case CBM2013-00009
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 Notice According Filing Date (Paper 4) and Order on the Conduct of the Proceeding (Paper 14), 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), as well the

For the foregoing reasons as well as the reasons contained in the attached declaration, Liberty Mutual respectfully requests admission of James R. Myers as counsel *pro hac vice*.

Respectfully submitted,

Dated: June 28, 2013

By: /J. Steven Baughman/
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.*

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**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.

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