UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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APPLE INC.
Petitioner

v.

SIGHTSOUND TECHNOLOGIES, LLC
Patent Owner

_____

Case CBM2013-00020
Patent 5,191,573

_____

Before the Honorable MICHAEL P. TIERNEY, JUSTIN T. ARBES, and
GEORGIANNA W. BRADEN,
Administrative Patent Judges.

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

Pursuant to Rule 42.10(c), and as authorized in the Board's Order on the

Conduct of the Proceeding (Paper 22), Petitioner Apple Inc. ("Apple") respectfully

requests *pro hac vice* admission of James R. Batchelder as counsel in this

proceeding.

I.   Time for Filing

This Motion is timely because it is being filed no sooner than twenty one (21) days after service of the Petition in this proceeding, which occurred on May 6, 2013.

II.   Statement of Facts

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

Mr. Batchelder is an experienced litigation attorney and has an established familiarity with the subject matter at issue in this proceeding. Mr. Batchelder has been practicing law since 1988 and has extensive experience litigating patent infringement cases in many different District Courts across the country. Among his experience in patent litigation matters, Mr. Batchelder 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. Batchelder has also been recognized as a leading patent litigation attorney by several different organizations, including *The Best Lawyers in America* (2013), *Northern California Super Lawyers* (2013), *IAM Patent 100 – The World's Leading Patent Practitioners* (2013), and *Managing IP – "IP Star"* (2013).

Mr. Batchelder is familiar with U.S. Patent No. 5,191,573 ("the '573 Patent") and the issues involved in this case. Mr. Batchelder has been representing Apple against Patent Owner SightSound Technologies LLC ("SightSound") as lead counsel in pending District Court litigation since shortly after October 2011 when SightSound first filed its infringement action involving its patents against Apple— asserting the '573 Patent and the related U.S. Patent Nos. 5,675,734 and 5,966,440. Mr. Batchelder has been actively involved as lead counsel for Apple throughout the life of the District Court case. As lead counsel in the District Court litigation, Mr. Batchelder has, among other things, been heavily involved with forming non-infringement and invalidity positions against SightSound's patents. Accordingly, Apple prefers that Mr. Batchelder continue as counsel in this CBM proceeding as well; and, further, SightSound does not oppose Mr. Batchelder's admission *pro hac vice*.

III. Declaration of James R. Batchelder

As directed by the Board, this Motion is also accompanied by the Declaration of James R. Batchelder 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 IPR2013-00639 (Paper 7).

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

Respectfully submitted,

Dated: November 12, 2013   By: /J. Steven Baughman/
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<u>DECLARATION OF JAMES R. BATCHELDER IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION</u>

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

1.   I am a member in good standing of the Bar of California.

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.

4.   No sanction or contempt citation has ever been imposed against me by any court or administrative body.

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