

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

**APPLE INC.**  
Petitioner

v.

**SMARTFLASH, LLC**  
Patent Owner

---

Case CBM2014-00112<sup>1</sup>  
Patent 7,942,317 B2

---

Before JENNIFER S. BISK, RAMA G. ELLURU, JEREMY M. PLENZLER, and  
MATTHEW R. CLEMENTS, *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 Notice of Filing  
Date Accorded to Petition (Paper 3), Petitioner Apple Inc. ("Apple") respectfully  
requests *pro hac vice* admission of James R. Batchelder as counsel in this  
proceeding.

---

<sup>1</sup> Case CBM2014-00113 has been consolidated with the instant 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 April 3, 2014.

**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*, *Northern California Super Lawyers*, *IAM Patent 100 – The World’s Leading Patent Practitioners*, and *Managing IP – “IP Star”*.

Mr. Batchelder is familiar with U.S. Patent No. 7,942,317 B2 (“the ‘317 Patent”) and the issues involved in this case. Mr. Batchelder has been representing Apple against Patent Owner Smartflash LLC (“Smartflash”) as lead counsel in pending District Court litigation—where Smartflash filed its infringement action asserting the ‘317 Patent and the related U.S. Patent Nos. 7,334,720; 8,033,458; 8,061,598; 8,118, 221; and 8,336,772 against Apple—since 2013, and has been actively involved as lead counsel for Apple since that time. As lead counsel in the District Court litigation, Mr. Batchelder has, among other things, been heavily involved with forming invalidity positions against Smartflash’s patents. Accordingly, Apple prefers that Mr. Batchelder continue as counsel in this CBM proceeding as well; and, further, Smartflash 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: March 27, 2015

By: /J. Steven Baughman/  
J. Steven Baughman, Lead Counsel  
Ching-Lee Fukuda  
**ROPES & GRAY LLP**  
Prudential Tower  
800 Boylston Street  
Boston, Massachusetts 02199-3600  
[Steven.baughman@ropesgray.com](mailto:Steven.baughman@ropesgray.com)  
[Ching-Lee.fukuda@ropesgray.com](mailto:Ching-Lee.fukuda@ropesgray.com)

*Attorneys for Petitioner Apple Inc.*

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

**APPLE INC.**  
Petitioner

v.

**SMARTFLASH, LLC**  
Patent Owner

---

Case CBM2014-00112<sup>2</sup>  
Patent 7,942,317 B2

---

Before JENNIFER S. BISK, RAMA G. ELLURU, JEREMY M. PLENZLER, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

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

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.

---

<sup>2</sup> Case CBM2014-00113 has been consolidated with the instant proceeding.

# 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.