

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., EVENTBRITE, INC., and STARWOOD HOTELS & RESORTS
WORLDWIDE, INC.;
Petitioner

v.

AMERANTH, INC.
Patent Owner

CASE: CBM2015-00080
Patent No. 6,384,850

MOTION FOR *PRO HAC VICE* ADMISSION

UNDER 37 C.F.R. § 42.10

The Petitioner respectfully requests that the Board recognize Mr. Robert Williams as counsel *pro hac vice* during this proceeding.

1. Time For Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition as required by the Notice of Filing Data Accorded to Petition and Time for Filing Patent Owner Preliminary Response entered March 10, 2015.

2. Statement of Facts

As required by the Notice authorizing this Motion for *Pro Hac Vice Admission* (Paper No. 5), the following statement of facts shows that there is good cause for the Board to recognize Mr. Williams *pro hac vice*.

Mr. Williams is an experienced litigation attorney, and has been involved in numerous litigations involving patent infringement in District Courts across the country. He has experience in jury and bench trials, *Markman* hearings, and oral arguments in patent infringement litigation matters.

U.S. Patent No. 6,384,850 is currently asserted against Petitioner Apple Inc., Eventbrite, Inc., and Starwood Hotels & Resorts Worldwide, Inc. in co-pending litigations, for which Ameranth, Inc. is plaintiff in each, *Apple Inc.*, Case No. 3-12-cv-02350 (S.D. Cal., filed Sept. 26, 2012); *Eventbrite, Inc.*, Case No. 3-13-cv-00350 (S.D. Cal., filed Feb. 13, 2013); *Starwood Hotels & Resorts Worldwide, Inc.*, Case No. 3-12-cv-01629 (S.D. Cal., filed June 29, 2012) (“the co-pending litigations”).

Mr. Williams is counsel for Apple Inc., Eventbrite, Inc., and Starwood Hotels &

Resorts Worldwide, Inc. in the co-pending litigations and, as such, has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigations, Mr. Williams reviewed prior art references and claims charts for invalidity contentions, and was heavily involved in forming claim construction positions, all of which are relied in on the petition requesting Covered Business Method Review of U.S. Patent No. 6,384,850. Petitioner has expended significant financial resources in the co-pending litigations with Mr. Williams as counsel, and Petitioner wishes to continue using Mr. Williams as counsel in this proceeding.

Further, counsel for Patent Owner does not oppose Mr. Williams appearing *pro hac vice* during this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Williams as counsel *pro hac vice* during this proceeding.

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Robert Williams as required by the Notice of Filing Data Accorded to Petition and Time for Filing Patent Owner Preliminary Response entered March 10, 2015.

Respectfully Submitted,

/s/ James M. Heintz

James M. Heintz

Registration Number 41,828

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Attorney for Petitioner

AFFIDAVIT OF MR. ROBERT WILLIAMS IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION

I, Robert Williams, being duly sworn and upon oath, hereby attests to the following:

1. I am a member in good standing of the Bar of California, as well as the following Federal Courts:

- a) Northern District of California
- b) Southern District of California
- c) Central District of California

2. I have not been suspended or disbarred from practice before any court or administrative body;

3. I have never had an application for admission to practice before any court or administrative body denied;

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

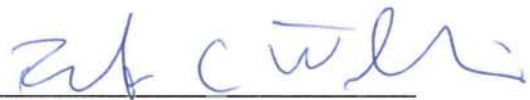
5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R.;

6. I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

7. I have only applied to appear *pro hac vice* before the Office in related proceedings CBM2015-00081 and CBM2015-00082, which are requested on patents related to U.S. Patent No. 6,384,850, in the last three (3) years; and

8. I am an experienced litigation attorney, with experience in numerous litigations

involving patent infringement in District Courts across the country, including experience in jury and bench trials, *Markman* hearings, and oral arguments in patent infringement litigation. I am counsel for Apple Inc., Eventbrite, Inc., and Starwood Hotels & Resorts Worldwide, Inc. in co-pending litigations in which U.S. Patent No. 6,384,850 is asserted. As a result, I am familiar with the subject matter at issue in this proceeding, including the prior art on which Petitioner relies in this request, as well as on issues of claim construction.



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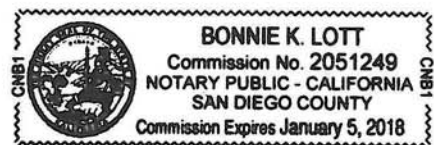
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On May 14, 2015 before me, Bonnie Lott, Notary Public, personally appeared Robert Williams, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



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