

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**APPLE INC. and GOOGLE INC.**  
Petitioners,

v.

**SMARTFLASH LLC**  
Patent Owner.

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Case CBM2015-00125  
Case CBM2015-00028  
Case CBM2015-00029<sup>1</sup>  
Patent No. 7,334,720 B2

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**UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF  
MELISSA J. BAILY**

Pursuant to 37 C.F.R. § 42.10, and as authorized in the Board’s Notice of Filing Date Accorded to Petition (Paper 5), Petitioner Google Inc. (“Google”) respectfully requests *pro hac vice* admission of Melissa J. Baily as counsel in this proceeding.

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<sup>1</sup> Google challenged claims 1 and 15 of U.S. Patent No. 7,334,720 in CBM2015-00125. Google’s challenge to claim 1 was consolidated with CBM2015-00028. CBM2015-00125, Pap. 11. Google’s challenge to claim 15 was consolidated with CBM2015-00029. *Id.* Identical motions for *pro hac vice* admission and supporting declarations are being filed in CBM2015-00125, CBM2015-00028, and CBM2015-00029.

## **I. TIME FOR FILING**

This motion is timely because it is being filed no sooner than twenty-one (21) days after service of Google's Petition in its proceeding, which occurred on May 6, 2015.

## **II. STATEMENT OF FACTS**

The facts stated below and the affidavit of Melissa J. Baily filed concurrently herewith demonstrate good cause for the Board to recognize Ms. Baily as *pro hac vice* counsel in this proceeding.

Ms. Baily is an experienced litigation attorney and has been practicing law since 2001. Her practice focuses on intellectual property litigation, and she has litigated patent infringement cases in district courts throughout the country. Among her experience in patent litigation matters, Ms. Baily has participated in all stages of district court proceedings, including *Markman* hearings, trials, and other patent-related hearings and proceedings concerning patent validity and infringement issues. Ms. Baily is widely recognized as a leading patent litigator, including being named among the top intellectual property lawyers in the country under the age of 40 by *Law360* in 2014.

Ms. Baily has experience and is familiar with U.S. Patent No. 7,334,720 ("the '720 patent") and the issues involved in this proceeding. She is counsel for Google in currently stayed district court proceedings where Smartflash accuses

Google of infringement of U.S. Patent Nos. 7,334,720; 7,942,317; 8,033,458; 8,061,598; 8,336,772; and 8,794,516. (*Smartflash LLC v. Google Inc.*, E.D. Tex. No. 6:14-cv-435.) She also represents Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., HTC Corporation, and HTC America, Inc. in currently stayed district court litigation where Smartflash asserts infringement of U.S. Patent Nos. 7,334,720; 7,942,317; 8,033,458; 8,061,598; and 8,336,772. (*Smartflash LLC v. Samsung Elecs. Co., Ltd., et al.*, E.D. Tex. No. 6:13-cv-448.) As counsel in those district court proceedings, Ms. Baily has been involved in all aspects of the defense, including with respect to issues regarding the invalidity of the '720 patent.

In light of Ms. Baily's experience and familiarity with the '720 patent, Google prefers that Ms. Baily participate as counsel in this proceeding as well. Furthermore, Smartflash and Apple do not oppose Ms. Baily's admission as *pro hac vice* counsel.

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For the reasons outlined in this motion and in the accompanying declaration, Google respectfully requests admission of Melissa J. Baily as *pro hac vice* counsel.

Dated: December 23, 2015

Respectfully submitted,

*/Raymond N. Nimrod/*

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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2015 I served the foregoing motion and attached declaration by email to:

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Date: December 23, 2015

*/Adam Botzenhart/*  
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Adam Botzenhart