

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

GOOGLE INC.
Petitioner,

v.

SMARTFLASH LLC
Patent Owner.

Case CBM2015-00129
Patent No. 7,942,317 B2

**UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF
KEVIN A. SMITH**

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 Kevin A. Smith 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 Google’s Petition in its proceeding, which occurred on May 16, 2015.

II. STATEMENT OF FACTS

The facts stated below and the affidavit of Kevin A. Smith filed concurrently herewith demonstrate good cause for the Board to recognize Mr. Smith as *pro hac vice* counsel in this proceeding.

Mr. Smith is an experienced litigation attorney and has been practicing law since 2006. His practice focuses on intellectual property litigation, and he has litigated patent infringement cases in district courts throughout the country. Among his experience in patent litigation matters, Mr. Smith 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.

Mr. Smith has experience and is familiar with U.S. Patent No. ,942,317 (“the ’317 patent”). He is counsel for Google Inc., 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. 8,118,221; 7,334,720; 7,942,317; 8,033,458; 8,061,598; and 8,336,772, based in part on those defendants’ use of Google Play. (*Smartflash LLC v. Google Inc.*, E.D. Tex. No. 6:14-cv-435; *Smartflash LLC v. Samsung Elecs. Co., Ltd., et al.*, E.D. Tex. No. 6:13-cv-448.) As counsel in those district court

proceedings, Mr. Smith has been involved in all aspects of the defense, including with respect to issues regarding the invalidity of the '317 patent.

In light of Mr. Smith's experience and familiarity with the '317 patent, Google prefers that Mr. Smith act as counsel in this proceeding as well. Furthermore, Smartflash does not oppose Mr. Smith's admission as *pro hac vice* counsel.

For the reasons outlined in this motion and in the accompanying declaration, Google respectfully requests admission of Kevin A. Smith as *pro hac vice* counsel.

Dated: January 6, 2016

Respectfully submitted,

/Andrew M. Holmes/

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Counsel for Petitioner Google Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2016 I served the foregoing motion and attached declaration by email to:

SmartFlash-CBM@dbjg.com
Michael R. Casey (mcasey@dbjg.com)
J. Scott Davidson (jsd@dbjg.com)

Date: January 6, 2016

/Adam Botzenhart/

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