

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**KYOCERA CORPORATION
MOTOROLA MOBILITY LLC
Petitioners**

v.

**SOFTVIEW LLC
Patent Owner**

**CASE IPR2013-00007
Patent 7,461,353.**

**SOFTVIEW'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION
OF MORGAN CHU UNDER 37 C.F.R. § 42.10(c)**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner SoftView LLC ("SoftView"), by and through its attorneys, respectfully requests that the Board admit Morgan Chu *pro hac vice* in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

Further, the Board requires that a motion for *pro hac vice* admission be filed in accordance with the "ORDER-AUTHORIZING MOTION FOR PRO HAC VICE ADMISSION – 37 C.F.R. § 42.10" in Motorola Mobility LLC v. Patent of Michael Arouse, Case No. IPR2013-00010 ("Representative Order"). The Representative Order states that the motion must "[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during

the proceeding," and "[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:"

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has 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.;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.*¹ and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

¹ The USPTO Code of Professional Responsibility in 37 C.F.R. § 10.20 *et seq.* was replaced by the USPTO Rules of Professional Conduct in 37 C.F.R. § 11.101 *et seq.*, effective May 3, 2013.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Morgan Chu submitted herewith, SoftView submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Morgan Chu in this proceeding:

1. Patent Owner's lead counsel, Ben J. Yorks, is a registered practitioner (Reg. No. 33,609).
2. Patent Owner's backup counsel, Babak Redjaian, is a registered practitioner (Reg. No. 42,096).
3. Mr. Chu is a Partner at the law firm of Irell & Manella LLP ("Irell"). Mr. Chu is presently the Chair of the Litigation Group at Irell. Mr. Chu joined Irell as an associate in 1977, and became partner in 1982. Mr. Chu was Co-Managing Partner of Irell for two terms from 1997 to 2003. (Declaration of Morgan Chu in Support of SoftView's Unopposed Motions for *Pro Hac Vice* Admission in IPR2013-00004 and IPR2013-00007).
4. Mr. Chu is an experienced litigating attorney and has extensive experience in patent law and has litigated patent cases for the past 35 years. Mr. Chu has been lead trial counsel in numerous patent cases and has litigated many of them through trial. Mr. Chu has also

conducted oral arguments on patent cases before the Federal Circuit.

(*Id.*)

5. Mr. Chu is a member in good standing of the California State Bar.

(*Id.*)

6. Mr. Chu has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)

7. No application filed by Mr. Chu for admission to practice before any court or administrative body has ever been denied. (*Id.*)

8. No sanctions or contempt citations have been imposed against Mr. Chu by any court or administrative body. (*Id.*)

9. Mr. Chu has read and agrees to 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. (*Id.*)

10. Mr. Chu understands that he will be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.*)

11. Mr. Chu is currently seeking *pro hac vice* admission in the co-pending, related matter filed by Petitioners, Case No. IPR2013-00004. Mr. Chu has not applied to appear *pro hac vice* in any other proceedings before the United States Patent and Trademark Office in the last three (3) years. (*Id.*)

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