

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 ALAN J. HEINRICH 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 Alan J. Heinrich *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 Alan J. Heinrich submitted herewith, SoftView submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Alan J. Heinrich 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. Heinrich is a Partner at the law firm of Irell & Manella LLP. (Declaration of Alan J. Heinrich in Support of SoftView's Unopposed Motions for *Pro Hac Vice* Admission in IPR2013-00004 and IPR2013-00007).
4. Mr. Heinrich is an experienced litigating attorney and has extensive experience in patent law and has litigated patent cases for the past 12 years. (*Id.*)
5. Mr. Heinrich is a member in good standing of the California State Bar. (*Id.*)
6. Mr. Heinrich has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)

7. No application filed by Mr. Heinrich 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. Heinrich by any court or administrative body. (*Id.*)
9. Mr. Heinrich 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. Heinrich 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. Heinrich is currently seeking *pro hac vice* admission in the co-pending, related matter filed by Petitioners, Case No. IPR2013-00004. Mr. Heinrich 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.*)
12. Mr. Heinrich has an established familiarity with the subject matter at issue in this proceeding. U.S. Patent No. 7,461,353 ("the '353 patent") is currently asserted by SoftView against Petitioners Kyocera Corp. and Motorola Mobility LLC in a co-pending litigation, *Softview LLC v. Kyocera Corp. et al.*, Civil Action No. 1:12-cv-00989-LPS (D. Del. Filed July 26, 2012), Hon. Leonard P. Stark presiding ("the co-

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.