

Filed on behalf of EMC Corporation and VMware, Inc.

By: Peter Dichiara, Reg. No. 38,005
David L. Cavanaugh, Reg. No. 36,476
WILMER CUTLER PICKERING HALE AND DORR LLP
peter.dichiara@wilmerhale.com
david.cavanaugh@wilmerhale.com
Tel.: 202-663-6025
Fax: 202-663-6363

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC CORPORATION and VMWARE, INC.,
Petitioners

v.

Patent Owner of
U.S. Patent No. 6,415,280 to Farber *et al.*

IPR Case No. IPR2013-00083

PETITIONERS' MOTION FOR ADMISSION *PRO HAC VICE* OF
CYNTHIA VREELAND

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 7 authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Petitioners EMC Corporation and VMware, Inc. request that the Patent Trial and Appeal Board (the “Board”) admit Cynthia Vreeland *pro hac vice* in this proceeding, IPR2013-00083.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), 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. Section 42.10(c) indicates that “where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Cynthia Vreeland *pro hac vice* in this proceeding.

1. Lead counsel, Peter Dichiara, is a registered practitioner. Backup counsel, David Cavanaugh, is also a registered practitioner.

2. Counsel, Cynthia Vreeland, is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion as Exhibit 1038 is the March 26, 2013 Declaration of Cynthia Vreeland in Support of this Motion for Admission *Pro Hac Vice* (“Vreeland Decl.”). In her declaration, Ms. Vreeland asserts:

I am a member in good standing of the Bar of the State of Massachusetts and the Bar of the State of Texas, and am admitted to practice before the United States Courts of Appeal for the First, Fourth, and Federal Circuits, the United States District Court for the District of Massachusetts, the United States Court for the Eastern District of Texas and all Massachusetts State and Texas State courts.

Vreeland Decl. ¶ 2 (Ex. 1038). Ms. Vreeland also asserts:

I am familiar with the subject matter at issue in this proceeding. I am counsel in *PersonalWeb Technologies LLC v. EMC Corporation and VMware, Inc.*, No. 6:11-cv-00660-LED, E.D. Tex. (served on Dec. 16, 2011), which is related to and involves the same patents at issue in this proceeding. ... I have represented EMC Corporation in multiple patent-related matters since 2003, including confidential patent-related analysis, and the following United States District Court cases: *EMC v. Hewlett-Packard*, No. 4:00-cv-40188-NMG in the District of Massachusetts, *Equifax, Inc. v. Verid, Inc.* No. 1:06-cv-02404-TCB in the Northern District of Georgia, and *EMC v. BetaNet, LLC*, No. 1:10-cv-11593-RGS in the District of Massachusetts. ... I am familiar with

the technology at issue in this proceeding from the prior work described above.

Vreeland Decl. ¶¶ 10-12 (Ex. 1038).

3. In her declaration, Ms. Vreeland also attests to each of the listed items required by the Order – Authorizing Motion for *Pro Hac Vice* Admission – 37 *C.F.R. § 42.10* in IPR2013-00010. *See* Vreeland Decl. ¶¶ 1-12 (Ex. 1038).

III. Conclusion

For the foregoing reasons, Petitioners respectfully request that the Board admit Cynthia Vreeland *pro hac vice* in this proceeding.

Respectfully Submitted,

/David L. Cavanaugh/

David L. Cavanaugh
Registration No. 36,476
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
david.cavanaugh@wilmerhale.com
Tel.: 202-663-6025
Fax: 202-663-6363

Dated: March 27, 2013

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2013, I caused a true and correct copy of the following materials:

- Petitioners' Motion for Admission *Pro Hac Vice* of Cynthia Vreeland
- Exhibit 1038
- Petitioners' List of Exhibits

to be served via Federal Express on the following counsel of record for Patent

Owner:

Joseph A. Rhoa, Lead Counsel
USPTO Reg. No. 37,515
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
jar@nixonvan.com
Tel.: 703-816-4043

Updeep S. Gill, Backup Counsel
USPTO Reg. No. 37,344
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
usg@nixonvan.com
Tel.: 703-816-4030

/David L. Cavanaugh/

David L. Cavanaugh

Registration No. 36,476