

Filed on behalf of EMC Corporation and VMware, Inc.

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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
ROBERT GALVIN

Petitioners' Motion for Admission *Pro Hac Vice* of Robert Galvin

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 Robert Galvin *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 Robert Galvin *pro hac vice* in this proceeding.

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

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

Accompanying this motion as Exhibit 1073 is the June 19, 2013 Declaration of Robert Galvin in Support of this Motion for Admission *Pro Hac Vice* ("Galvin Decl."). In his declaration, Mr. Galvin asserts:

I am a member in good standing of the Bar of the State of California, and am admitted to practice before the United States Courts of Appeal for the Fourth, Ninth and Federal Circuits, the United States District Courts for the Northern District of California, the Central District of California, the Southern District of California, and the Eastern District of Texas as well as all California state courts.

Galvin Decl. ¶ 2 (Ex. 1073). Mr. Galvin 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. ... More generally, over the course of my career, I have had substantial experience litigating patents with related subject matter including network security, encryption, and enterprise software. ... In connection with the inter partes reviews as well as the related district court litigation, I also have become familiar with the prior art references that are the subject of this proceeding as well as

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the evidentiary objections that PersonalWeb has raised in response to certain prior art references submitted by Petitioners in this proceeding. I have met with each of the declarants who submitted supplemental declarations in response to PersonalWeb's evidentiary objections, and assisted in the preparation of their declarations. Thus, I am familiar with the subject matter of the references as well as the relevant facts relating to their authenticity, admissibility, and publication.

Galvin Decl. ¶¶ 10-11 (Ex. 1073).

3. In his declaration, Mr. Galvin 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 and agrees to be subject to the United States Patent and Trademark Office's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.100 *et seq.* (78 Fed. Reg. 20202-20211). *See* Galvin Decl. ¶¶ 1-11 (Ex. 1073).

III. Conclusion

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

Respectfully Submitted,

/David L. Cavanaugh/

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