

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RICOH AMERICAS CORPORATION and XEROX CORPORATION
Petitioners

v.

MPHJ TECHNOLOGY INVESTMENTS, LLC
Patent Owner

Case IPR2013-00302
Patent 7,986,426

**RICOH AMERICAS CORPORATION AND XEROX CORPORATION'S
MOTION FOR *PRO HAC VICE* ADMISSION OF
H. KEETO SABHARWAL 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) and the Notice of Filing Date Accorded to Petition in this proceeding (Paper 4, p. 2), Petitioners Ricoh Americas Corporation and Xerox Corporation (“Petitioners”) respectfully request the *pro hac vice* admission of H. Keeto Sabharwal 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.

The Authorizing Order requires that any motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” entered in Case IPR2013-00010 (MPT) (“*Motorola* Order”). (See Authorizing Order at 2.)

The *Motorola* Order requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding”; and (2) “[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. 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.

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Affidavit of Mr. Sabharwal (RIC 1012) submitted herewith, Petitioners request the *pro hac vice* admission of H. Keeto Sabharwal in this proceeding:

1. Petitioner's lead counsel, Michael D. Specht, is a registered practitioner (Reg. No. 54,463).
2. Mr. Sabharwal is a Director at the law firm Sterne, Kessler, Goldstein and Fox P.L.L.C. (RIC 1012, ¶3.)
3. Mr. Sabharwal is an experienced litigating attorney. Mr. Sabharwal has been a litigating attorney for more than nineteen years. (*Id.*, ¶4.)
4. Mr. Sabharwal is a member in good standing of the State Bar of New York and the Bar of the District of Columbia. (*Id.*, ¶5.)
5. Mr. Sabharwal has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)
6. Aside from the Patent Trial and Appeal Board's July 16, 2013, decisions in Case IPR2012-00022 and Case IPR2013-00250, no application of Mr. Sabharwal for admission to practice before any

court or administrative body has ever been denied. The Patent Trial and Appeal Board subsequently granted Mr. Sabharwal *pro hac vice* admission in August 7, 2013, decisions. (*Id.*, ¶6.)

7. No sanctions or contempt citations have ever been imposed against Mr. Sabharwal by any court or administrative body. (*Id.*, ¶7.)
8. Mr. Sabharwal 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. (*Id.*, ¶8.)
9. Mr. Sabharwal understands that he will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.*, ¶9.)
10. Mr. Sabharwal has applied to appear *pro hac vice* in four other proceedings before the Office in the last three years:

Case IPR2012-00022, Case IPR2013-00012, Case IPR2013-00015, and Case IPR2013-00250. He was admitted *pro hac vice* in all four proceedings. (*Id.*, ¶10.)
11. There is a need for the admission of Mr. Sabharwal so that the real parties in interest can be represented by counsel of its choice and so as

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.