

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PNY TECHNOLOGIES, INC.
Petitioner

v.

PHISON ELECTRONICS CORP.
Patent Owner

Case IPR2013-00472
Patent 7,518,879

PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
MATTHEW SKLAR UNDER 37 C.F.R. § 42.10

E-Filed Via PRPS

Patent Trial and Appeal Board
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

To the Honorable Patent Judge Turner:

PNY Technologies, Inc. ("Petitioner") respectfully requests the *pro hac vice* admission of Matthew Sklar into the present proceeding (IPR2013-00472).

I. Introduction

This motion is filed further to the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, Paper No. 4 (the “Notice”), which authorizes motions for *pro hac vice* admission under 37 C.F.R. § 42.10. Further to the Notice, this motion is filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR 2013-00010 (the “Order”) and no sooner than twenty-one (21) days after service of the petition. In accordance with the Order, this motion includes the following Statement of Facts, as well as a Declaration of Matthew Sklar in Support of Motion for *Pro Hac Vice* Admission, attached hereto and made a part hereof (the “Sklar Declaration”).

II. Statement of the Facts

Lead counsel for Petitioner, Mark Nikolsky, is a patent attorney registered to practice before the USPTO. Mr. Nikolsky will remain as lead counsel. Mr. Sklar will be added as back-up counsel in this proceeding.

Mr. Sklar is an experienced patent litigator with an extensive background in the fields of intellectual property and information technology law.

Mr. Sklar has an established familiarity with the subject matter at issue in this proceeding, e.g., U.S. Patent No. 7,518,879 (the “’879 Patent”), at least by virtue of Mr. Sklar’s active role as co-counsel in the co-pending patent litigation of the ‘879 Patent and another related patent before the United States District Court

for the District of Delaware, Civil Action No. 1:12-cv-01478-GMS. Mr. Sklar has been substantially involved with this litigation and is familiar with all facets of the dispute, including but not limited to, the subject matter of the '879 Patent and its relationship with the prior art.

Mr. Sklar works closely with the undersigned lead and back-up counsel in this matter. Mr. Sklar has reviewed, and is familiar with, the Petition for *Inter Partes* Review of the '879 Patent (Paper No. 1), the prior art cited by this petition, the arguments and factual assertions made by this petition, and the file history of the '879 Patent.

III. Argument

Upon a showing of good cause, the Board may admit counsel who are not register practitioners to appear *pro hac vice* in IPR and other Board proceedings.

The applicable rule provides 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.

37 C.F.R. § 42.10(c).

As seen in the Statement of Facts above and in the accompanying declaration, the conditions for admission *pro hac vice* have been satisfied. In particular, Mr. Sklar is an experienced litigator and has ample familiarity with the subject matter at issue in this IPR proceeding. Mr. Sklar has never been censured, disciplined, suspended, nor denied admission by any court or administrative body. Further, Mr. Sklar agrees to comply with or be subject to all relevant procedural and ethical rules. Finally, a registered practitioner, the undersigned Mr. Nikolsky, will remain as lead counsel.

IV. Conclusion

In view of the foregoing and the attached Sklar Declaration, Petitioner most respectfully submits that there is good cause for the Board to recognize Mr. Sklar *pro hac vice* as additional back-up counsel in this IPR.

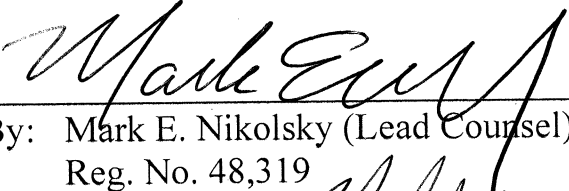
Respectfully Submitted,

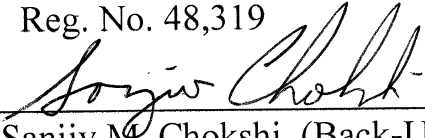
April 25, 2014

Dated

April 25, 2014

Dated


By: Mark E. Nikolsky (Lead Counsel)
Reg. No. 48,319


By: Sanjiv M. Chokshi (Back-Up Counsel)
Reg. No. 44,080

Attorneys for PNY Technologies, Inc.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
973.639.6987 (Mr. Nikolsky)
973.848.5368 (Mr. Chokshi)

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