

Filed on behalf of: Software Rights Archive, LLC

Paper \_\_\_\_\_

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Dated: February 7, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC., LINKEDIN CORP., and TWITTER, INC.  
Petitioners

v.

SOFTWARE RIGHTS ARCHIVE, LLC  
Patent Owner

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Case IPR2013-00479  
Patent 5,832,494

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**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION  
UNDER 37 C.F.R. § 42.10(c)**

Patent Owner, Software Rights Archive, LLC (“SRA”), respectfully requests that the Board recognize Victor G. Hardy, Esq., as counsel *pro hac vice* during this proceeding.

## **I. BACKGROUND**

Patent Owner’s motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the “Order –Authorizing Motion for *Pro Hac Vice* Admission” in Case No. IPR2013-00010 (MPT) and “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case No. IPR2013-00639 (SRB) (hereafter referred to as “the Orders”).

## **II. STATEMENT OF FACTS SHOWING THERE IS GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL PRO HAC VICE DURING THE PROCEEDING**

As required by the Orders, the following statement of facts shows that there is good cause for the Board to recognize Mr. Hardy *pro hac vice*.

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* 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.”

Mr. Hardy is a highly experienced patent litigation attorney, who has been involved in numerous patent litigations before the federal district courts. He has experience litigating complex software-related patents, such as the patent at issue in the instant proceeding. Mr. Hardy's biography is attached hereto as **Exhibit 2008**.

Mr. Hardy has substantial experience with U.S. Patent No. 5,832,494 ("the '494 patent"). Mr. Hardy represents SRA in the co-pending litigation between the parties, *Software Rights Archive, LLC v. Facebook, Inc.*, No. 5:12-cv-03970 RMW (N.D. Cal. 2012); *Software Rights Archive, LLC v. LinkedIn Corp.*, No. 5:12-cv-03971 RMW (N.D. Cal. 2012); and *Software Rights Archive, LLC v. Twitter, Inc.*, No. 5:12-cv-03972 RMW (N.D. Cal. 2012) (hereafter referred to as "the Co-Pending Litigation"). Mr. Hardy also represented Patent Owner SRA in the prior civil action *Software Rights Archive, LLC v. Google, Inc. et al*, No. 2:07-cv-511 CE (E.D. Tex. 2007) over the same patents. As a result, Mr. Hardy has established familiarity with the subject matter at issue in this proceeding, including substantive knowledge of the '494 patent, its prosecution history, the prior art (including the prior art relied upon in this proceeding), the district court's prior claim construction order, and related matters. Further, as required by the Orders, Patent Owner's Motion is accompanied by an Affidavit of Victor Hardy, attached hereto as **Exhibit 2009**.

Counsel for Petitioners does not oppose Mr. Hardy appearing *pro hac vice* during this proceeding.

In view of the foregoing, Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Hardy as counsel *pro hac vice* during this proceeding.

### III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully submits that this motion should be granted and Mr. Hardy should be recognized as counsel *pro hac vice* during this proceeding.

Respectfully submitted,

Date: February 7, 2014

By: /s/ Martin M. Zoltick

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of February, 2014, a true and correct copy of the foregoing PATENT OWNER'S MOTION FOR PRO HAC VICE ADMISSION UNDER 37 C.F.R. § 42.10(c) was served by electronic mail, upon the following lead and backup counsel of record for Petitioners Facebook, Inc., LinkedIn Corp. and Twitter, Inc.:

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