

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WINTEK CORPORATION
Petitioner,

v.

TPK TOUCH SOLUTIONS INC.
Patent Owner

Case IPR 2013-00568
U.S. Patent No. 8,217,902

**TPK TOUCH SOLUTIONS INC.'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF DEREK TANG**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner TPK Touch Solutions Inc. (“TPK”) respectfully requests the expedited *pro hac vice* admission of Derek Tang in this proceeding. TPK has conferred with Petitioner Wintek Corporation (“Wintek”) and Wintek does not have any objections to TPK’s request. In view of upcoming depositions, currently scheduled for August 27, 2014 and early September 2014, TPK respectfully requests an expedited decision on this motion.

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 Board has stated that motions 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”). In accordance with the *Motorola* Order, this motion is being filed no sooner than twenty-one (21) days after service of the petition.

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 Derek Tang (TPK 2026) submitted herewith, TPK requests the expedited *pro hac vice* admission of Derek Tang in this proceeding:

1. TPK's lead counsel, Joseph J. Richetti, is a registered practitioner (Reg. No. 47,024).
2. Mr. Tang is an associate at the law firm Quinn Emanuel Urquhart & Sullivan, LLP. (TPK 2026, ¶ 3).

3. Mr. Tang is an experienced litigating attorney and has been a litigating attorney for more than 7 years. (*Id.*). Mr. Tang has been litigating patent cases for over 4 years. (*Id.*).

4. Mr. Tang has an established familiarity with the subject matter at issue in this proceeding. (*Id.*, ¶ 8). Mr. Tang has litigated patent cases in the area of electrical engineering and electronic devices since 2010. (*Id.*). He began representing and advising TPK, the owner of U.S. Patent No. 8,217,902, in matters relating to patent strategy no later than 2013. (*Id.*). Since that time he has been very familiar with U.S. Patent No. 8,217,902 and with its prosecution file history. (*Id.*). In particular, Mr. Tang has assisted TPK in preparing its responses to the petitions in these proceedings, as well as in a co-pending *ex parte* reexamination of the '902 Patent, Control No. 90/012,869. (*Id.*).

5. Mr. Tang is a member in good standing of the State Bars of California and New York. (*Id.*, ¶ 4).

6. Mr. Tang has never been suspended or disbarred from practice before any court or administrative body. (*Id.*).

7. No application of Mr. Tang's for admission to practice before any court or administrative body has ever been denied. (*Id.*).

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