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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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YAMAHA CORPORATION OF AMERICA  
Petitioner

v.

BLACK HILLS MEDIA, LLC  
Patent Owner

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Case No. IPR2013-00594  
U.S. Patent 8,050,652

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***Patent Owner's Motion for Pro Hac Vice Admission of  
Reza Mollaaghababa Under 37 C.F.R. § 42.10(c)***

## I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the Board's authorization to file motions for *pro hac vice* admission in the Order issued September 26, 2013, Patent Owner Black Hills Media ("Patent Owner"), by and through its attorneys, respectfully requests that the Board admit Reza Mollaaghababa *pro hac vice* in this proceeding.

## II. GOVERNING LAW, RULES, AND PRECEDENT

Pursuant to 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. 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)

In the Order issued September 26, 2013, the Board requires that a motion for *pro hac vice* admission be filed in accordance with the "Order -- Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00010 (MPT) ("Representative Order"). The Representative Order states that the motion must "[c]ontain a statement of facts showing there is good cause for the Board to

recognize counsel *pro hac vice* during the proceeding,” and “[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.*<sup>1</sup> 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**

The following statement of facts, supported by the attached Declaration of Reza Mollaaghababa in Support of Admission *Pro Hac Vice* (“Mollaaghababa

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<sup>1</sup> The USPTO Code of Professional Responsibility in 37 C.F.R. § 10.20 *et seq.* was replaced by the USPTO Rules of Professional Conduct in 37 C.F.R. § 11.101 *et seq.*, effective May 3, 2013.

Decl.”), establishes good cause to admit Mr. Mollaaghababa *pro hac vice* in this proceeding.

1. Patent Owner’s current lead counsel, Theodosios Thomas, is a registered practitioner (Reg. No. 45,159).
2. Mr. Mollaaghababa is an experienced patent attorney with more than 15 years of experience, including in post-grant proceedings. Mr. Mollaaghababa is a partner at the law firm of Pepper Hamilton LLP and is a member of the state bar of Massachusetts. (Mollaaghababa Decl. ¶¶ 1,8.) Mr. Mollaaghababa is also a registered practitioner before the United States Patent and Trademark Office (Reg. No. 43,810). (*Id.* ¶ 1.) Mr. Mollaaghababa is a member in good standing in all jurisdictions where he has been admitted to practice. (*Id.*) Mr. Mollaaghababa has neither been suspended nor disbarred from practice before any court or administrative body, nor had an application denied for admission before any court or administrative body. (*Id.* ¶¶ 2-3.) Mr. Mollaaghababa has also never had any sanctions or contempt citations imposed by any court or administrative body. (*Id.* ¶ 4.)
3. Mr. Mollaaghababa has read and agrees to 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.* ¶ 5.) As a registered practitioner before the USPTO, Mr. Mollaaghababa understands that he is subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and affirms that he is subject to the same. (*Id.* ¶ 6.)

4. Mr. Mollaaghababa is currently seeking *pro hac vice* admission in the co-pending, related matters filed by Petitioner, Case Nos. IPR2013-00593 and IPR2013-00597. (*Id.* ¶ 7.) Though Mr. Mollaaghababa has not applied to appear *pro hac vice* in any other proceedings before the USPTO in the last three (3) years, Mr. Mollaaghababa commonly appears before the USPTO in proceedings as a registered USPTO practitioner. (*Id.*)
5. Mr. Mollaaghababa has been engaged by the Patent Owner to represent the Patent Owner before the Board in light of his experience in proceedings before the USPTO. (*Id.* ¶ 9.) Mr. Mollaaghababa has familiarity with the subject matter at issue in this proceeding as well as in co-pending litigations initiated by the Patent Owner against the Petitioner and other entities in various jurisdictions. (*Id.*) Based on his previous experience and study of the particulars of the subject matter raised in the Petition, Mr. Mollaaghababa has acquired a

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