
GOOGLE INC.
Petitioner

v.

B.E. TECHNOLOGY, LLC
Patent Owner

Case IPR2014-00033
Patent 6,771,290

Before SALLY MEDLEY, *Administrative Patent Judge*.

**GOOGLE INC'S MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37
C.F.R. § 42.10**

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

entered October 11, 2013) (the Notice), Petitioner Google, Inc. (the Petitioner) submits this motion for Brian A. Rosenthal to appear *pro hac vice*. Petitioner respectfully requests the Board to recognize Mr. Rosenthal as counsel *pro hac vice* during this proceeding.¹

I. TIME FOR FILING

Pursuant to the “Order – Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639 (“Order”),² this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

¹ Corresponding motions for *Pro Hac Vice* admission are being concurrently filed in co-pending cases IPR2014-00031 and IPR2014-00038.

² Petitioner notes that while the Notice references the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00010 (MPT), the Order in Case IPR2013-00639 states that the Final Rule regarding Changes to Representation of Others Before the United States Patent and Trademark Office removes part 10 of title 37, C.F.R. referred to in the Order in Case IPR2013-00010 (MPT). (Cont.)

Lead counsel for this proceeding, Clinton H. Brannon, is a registered practitioner (Reg. No. 57,887).

Mr. Rosenthal is an experienced litigation attorney, and has been involved in numerous patent infringement cases in federal District Courts across the country. He has experience in various aspects of patent infringement matters including jury and bench trials, Markman hearings, and summary judgment hearings. Mr. Rosenthal is a member in good standing of the New York Bar and the District of Columbia Bar, and is admitted to practice before the United States Court of Appeals for the Federal Circuit, the United States Court of Federal Claims, and the United States District Courts for the District of Columbia and Western District of Tennessee. Mr. Rosenthal has not been suspended or disbarred from practice, never had any application for admission to practice denied, nor had any sanctions or contempt citations imposed against him.

Accordingly, for the purpose of this proceeding, Petitioners will refer to the Order in Case IPR2013-00639.

involves U.S. Patent No. 6,771,290, the same patent at issue in this proceeding. In his role as counsel in the co-pending litigation, Mr. Rosenthal has reviewed and is familiar with the '290 Patent, the asserted prior art references, and invalidity claim charts. Further, Mr. Rosenthal has been involved and is familiar with the factual and legal arguments at issue in that case, including the claim construction issues presented in the co-pending litigation. As such, Mr. Rosenthal has established familiarity with the subject matter at issue in this proceeding.

Mr. Rosenthal has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). In the last three years, Mr. Rosenthal has applied for, and was admitted, to appear *pro hac vice* in *inter partes* reexaminations 95/000,120-123; 95/000,444, and 95/000,445.


Petitioner has expended significant financial resources in the co-pending litigation with Mr. Rosenthal as counsel, and Petitioner wishes to continue using Mr. Rosenthal in this proceeding.

This Motion for *pro hac vice* admission is accompanied by a Declaration of

Mr. Rosenthal as required by the Order.

Date:

11/18/13



Clinton H. Brannon (Reg. No. 57,887)

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