

Case IPR2014-00052
Patent No. 6,628,314

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Facebook, Inc.
Petitioner

v.

B.E. Technology, L.L.C.
Patent Owner

Case No. IPR2014-00052
Patent 6,628,314

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

Petitioner respectfully requests that the Board recognize Mr. Mark Weinstein as counsel *pro hac vice* during this proceeding.

I. BACKGROUND

Petitioner's Motion for *Pro Hac Vice* Admission is filed in compliance with and pursuant to the "Order – Authorization Motion for *Pro Hac Vice* Admission" in Case No. IPR2013-00010 (MPT).

II. STATEMENT OF FACTS

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

Mr. Weinstein is an experienced litigation attorney and has been involved in numerous complex litigations in state and federal courts. Mr. Weinstein's biography is attached hereto as **Exhibit A**.

Mr. Weinstein has reviewed U.S. Patent No. 6,628,314 and the petitions already filed in this proceeding. Further, Mr. Weinstein is counsel of record in the co-pending litigation between the parties, *B.E. Technology, L.L.C. v. Facebook, Inc.*, No. 2:12-cv-2769 (WDTN 2012), and as such, is familiar with the subject matter at issue in this proceeding.

BE was consulted through its litigation counsel in the co-pending litigation on November 1, 2013. BE stated at that time that it does not oppose this motion.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Weinstein as counsel *pro hac vice* during this proceeding.

III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

Petitioner's Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Mark Weinstein as required by the Order.

Dated: November 21, 2013

COOLEY LLP
ATTN: Patent Group
1299 Pennsylvania Ave., NW, Suite 700
Washington, DC 20004
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,

COOLEY LLP

By: /Heidi L. Keefe/
Heidi L. Keefe
Reg. No. 40,673

EXHIBIT A



Mark Weinstein, Partner

Mark Weinstein is a partner in the Cooley Litigation department and member of the Intellectual Property practice group. He joined the Firm in 2009 and is resident in the Palo Alto office.

Mr. Weinstein's practice focuses on patent and other complex technology-related disputes. He has handled a number of high-stakes litigations throughout the United States involving a variety of technologies, including computer software and hardware, Internet applications, electronic transactions, e-commerce, computer networking, entertainment software, and medical devices.

Representative cases include:

Patents

- **Facebook, Inc.** Mark has represented and is representing Facebook in more than a dozen patent infringement actions, including *Yahoo! Inc v. Facebook, Inc.* (N.D. Cal.), *Leader Technologies, Inc. v. Facebook, Inc.* (D. Del.), *Tele-Publishing, Inc. v. Facebook, Inc.* (D. Mass.), *Mekiki Co., Ltd. v. Facebook, Inc.* (D. Del.), *Cross-Atlantic Capital Partners, Inc. v. Facebook, Inc.* (E.D. Pa.), *Unified Messaging Solutions LLC v. Facebook, Inc.* (E.D. Tex.), *Walker Digital, LLC v. Facebook, Inc.* (D. Del.), and several others.
- **HTC Corporation and HTC America.** Mark has defended and is currently defending HTC in several patent litigations including *HTC v. Technology Properties Ltd.* (N.D. Cal.), *Digitude Innovations LLC v. HTC* (D. Del. and U.S. ITC), *ADC Technology, Inc. v. HTC et al.* (N.D. Ill.), *Microunity Systems Eng'g v. HTC et al.* (E.D. Tex.) and *BandSpeed, Inc. v. HTC Corp. et al.* (W.D. Tex), *SP Technologies, Ltd. v. HTC et al.* (N.D. Ill.), *Implicit Networks, Inc. v. HTC* (N.D. Cal.), and several others.
- **LinkedIn Corporation.** Mark is representing LinkedIn in *Jaipuria v. LinkedIn Corp. et al.* (E.D. Tex.) and *Cathas Advanced Technologies LLC v. LinkedIn Corp.* (D. Del.)
- **EMC Corporation.** In *Hewlett-Packard Company et al. v. EMC Corporation* (N.D. Cal.), Mr. Weinstein represented EMC in a patent infringement suit involving thirteen patents relating to mass data storage systems, servers and printers. HP initiated the lawsuit by suing EMC for alleged infringement of seven patents. EMC counterclaimed against HP



Palo Alto—Hanover
Campus
3175 Hanover Street
Palo Alto, California
94304-1130

Phone: +1 650 843
5007
Fax: +1 650 849 7400
mweinstein@cooley.com

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