

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

NETFLIX, INC.
Petitioner

v.

OPENTV, INC.
Patent Owner

Case No.: IPR2014-00267
Patent No.: 7,409,437

**PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF
MATTHEW V. TOPIC PURSUANT TO 37 C.F.R. § 42.10(C)**

Mail Stop *Inter Partes* Review
Commissions for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Patent Owner OpenTV, Inc. respectfully requests the Board to recognize Matthew V. Topic as counsel *pro hac vice* during this proceeding.

I. TIME FOR FILING

This Motion for Admission *Pro Hac Vice* is being filed with the Board's authorization and in accordance with "Order -- Authorizing Motion *for Pro Hac Vice* Admission" entered in Case IPR2013-00639 at Paper 7. This motion is being filed no sooner than 21 days after service of the Netflix IPR petition.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE

The Patent Owner has been authorized to file motions seeking admission *pro hac vice* under 37 C.F.R. 42.10(c). (Paper No. 3 at 2.) The Patent Owner's lead and back-up counsel are registered practitioners.

Lead Counsel	Back-up Counsel
Russell E. Levine, P.C. (Reg. No. 32,153)	Eugene Goryunov (Reg. No. 61,579)

As demonstrated below, there is good cause for the Board to recognize Mr. Topic *pro hac vice*.

Mr. Topic is an experienced litigation attorney, and has been involved in numerous litigations involving patent infringement in District Courts across the country and before the International Trade Commission.

U.S. Patent No. 7,409,437 is currently involved in a co-pending litigation *OpenTV, Inc. v. Netflix, Inc.*, Case No. 1:12-cv-01733 (D. Del.). Mr. Topic is counsel for the Patent Owner in the co-pending litigation and, as such, has an established familiarity with the subject matter at issue in this proceeding. Mr. Topic is also actively involved in all aspects of the co-pending litigation, including the issues of invalidity and claim construction concerning U.S. Patent No. 7,409,437. Admission of Mr. Topic *pro hac vice* will enable the Patent Owner to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

The Patent Owner's lead and backup counsel are registered practitioners, Mr. Topic is an experienced litigation attorney, and Mr. Topic has an established familiarity with the subject matter at issue in this proceeding. Therefore, the Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Topic as counsel *pro hac vice* during this proceeding.

III. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion for Admission *Pro Hac Vice* is accompanied by Exhibit 2001 which is a supporting Declaration of Matthew V. Topic.

Date: February 14, 2014

Respectfully submitted,

/s/ Eugene Goryunov

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Motion for Admission *Pro Hac Vice* of Matthew V. Topic Pursuant to 37 C.F.R. § 42.10(C) was served on February 14, 2014, via e-mail, pursuant to agreement by the parties, directed to counsel of record for the Petitioner at the following:

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