

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Google Inc., Samsung Telecommunications America, LLC, Samsung
Electronics America, Inc., and Samsung Electronics Co., Ltd.
Petitioners

v.

Micrografx, LLC
Patent Owner

Case IPR2014-00532
Patent 5,959,633

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

EXHIBIT LIST

Patent Owner	Exhibit Description
GOOGLE1001	U.S. Patent No. 5,959,633 to McFarland et al. (“the ’633 patent”)
GOOGLE1002	Prosecution History of the ’633 patent (Serial No. 08/726,091)
GOOGLE1003	Declaration of Dr. Anselmo Lastra
GOOGLE1004	U.S. Patent No. 5,883,639 to Walton et al. (“Walton”)
GOOGLE1005	U.S. Patent No. 5,564,048 to Eick et al. (“Eick”)
GOOGLE1006	Select portions of <i>Inside Visual C++, Second Edition: Version 1.5</i> by David J. Kruglinski, September 1, 1994 (“Kruglinski”)
GOOGLE1007	Select portions of <i>The American Heritage Dictionary of the English Language</i> (3 rd ed. 1992)
GOOGLE1008	<i>Micrografx, LLC, v. Google, Inc. and Motorola Mobility, LLC</i> , Civil Action No. 3:13-cv-03595-N, Plaintiff Micrografx, LLC’s Preliminary Disclosure of Asserted Claims and Infringement Contentions dated January 6, 2014
GOOGLE1009	Declaration of David S. Almeling in Support of Petitioners’ Motion for <i>Pro Hac Vice</i> Admission

Pursuant to 37 C.F.R. § 42.10(c), Petitioners Google Inc., Samsung Telecommunications America, LLC, Samsung Electronics America, Inc., and Samsung Electronics Co., Ltd. (“Petitioners”) respectfully request that the Board recognize David S. Almeling as counsel *pro hac vice* in this proceeding. As set forth in his Declaration submitted herewith (Ex. GOOGLE1009), Mr. Almeling is a Partner at O’Melveny & Myers LLP and a patent litigation attorney with significant experience advising clients regarding patent matters. Mr. Almeling represents Petitioners in connection with the underlying district court litigation on the patent at issue in this *inter partes* review proceeding, U.S. Patent No. 5,959,633 (“’633 Patent”). This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on April 8, 2014 (Paper No. 6).

Statement of Facts

Petitioners request that the Board recognize Mr. Almeling as counsel *pro hac vice* because Mr. Almeling serves a unique and critical role for Petitioners regarding this *inter partes* review proceeding and Mr. Almeling has substantial experience and expertise representing Petitioners regarding patents involving Geographical Information Systems (“GIS”) and graphics.

Mr. Almeling represents the Petitioner in the concurrent litigations involving the '633 Patent (*Micrografx, LLC, v. Google, Inc. et al.*, Case No. 3:13-cv-03595-N (N.D. Tex. 2013); and *Micrografx, LLC, v. Samsung Telecommunications America, LLC et al.*, Case No. 3:13-cv-03599-N (N.D. Tex 2013)), and has extensively reviewed the '633 Patent and gained significant familiarity with the claim construction issues in that case, which significantly overlap with the corresponding issues in this *inter partes* review proceeding involving the '633 Patent. Moreover, his work in the concurrent litigation has also resulted in a detailed review of the Petition for *Inter Partes* Review (including the proposed invalidity grounds therein, the cited references, and exhibits), the Declaration of Dr. Anselmo Lastra, and the Board's Decision instituting *Inter Partes* Review of the '633 Patent. Mr. Almeling thus has a detailed understanding of the '633 Patent and the substantive and technical issues involved in this proceeding. Mr. Almeling has also served an essential role in all areas of this *inter partes* review proceeding, including: analyzing each of the prior art references and the intrinsic record; advising Petitioners on strategy regarding Petitioners' affirmative arguments and Petitioners' counterarguments to the Patent Owner's positions; and working with the present Lead and Backup Counsel in this *inter partes* review proceeding to draft the Petition and other

submissions. In addition, the Petition in this *inter partes* review proceeding cited to the Patent Owner's infringement contentions from the concurrent litigation matters and included it as exhibit GOOGLE1008, and Mr. Almeling has familiarity with the Patent Owner's infringement contentions and other submissions from the concurrent litigation that may be relevant to this *inter partes* review proceeding.

Additionally, Mr. Almeling's substantial experience and expertise with the relevant GIS and graphics technologies makes him uniquely positioned to represent Petitioners in this *inter partes* review proceeding. Mr. Almeling's expertise with the technical subject matter of this *inter partes* review proceeding extends beyond his involvement with the Petition and other submissions in this *inter partes* review proceeding and the concurrent litigation matters. Mr. Almeling also represents Petitioners in connection with other patent litigations, reexaminations, and *inter partes* review proceedings regarding GIS technology and graphics, which are described in his attached declaration.

Based on this substantial experience, Mr. Almeling has developed an in-depth knowledge of the issues and technology within GIS and graphics. This knowledge includes his analysis of a significant number of patents, articles, books, software programs, products, industry conference

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.