

Filed on behalf of The Gillette Company
By: Michael A. Diener, Reg. No. 37,122
Larissa Park, Reg. No. 59,051
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Tel: (617) 526-6000
Email: Michael.Diener@wilmerhale.com
Larissa.Park@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY
Petitioner

v.

Patent Owner of
U.S. Patent No. 6,896,773 to Roman Chistyakov

IPR Trial No. IPR2014-00726

**PETITIONER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE* OF
MARK MATUSCHAK**

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 4 authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Petitioner The Gillette Company requests that the Patent Trial and Appeal Board (the "Board") admit Mark Matuschak *pro hac vice* in this proceeding, IPR2014-00726. Patent Owner Zond, LLC does not oppose.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 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. Section 42.10(c) indicates that "where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." The facts here establish good cause for the Board to recognize Cosmin Maier *pro hac vice* in this proceeding.

1. Lead counsel, Michael Diener, is a registered practitioner. Backup counsel, Larissa Park, is also a registered practitioner.
2. Counsel, Mark Matuschak, is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding. Accompanying this motion as Exhibit 1122 is the November 11, 2014 Declaration of Mark Matuschak in Support of this Motion for Admission *Pro Hac Vice* ("Matuschak Decl."). In his declaration, Mr. Matuschak states:

I am a member in good standing of the Bar of the Commonwealth of
Massachusetts and the Bar of the State of New York. I am admitted to practice

before the United States Courts of Appeals for the Federal Circuit, as well as the First, Second, Third and Sixth Circuits. I am also admitted to practice before the United States District Courts for the District of Massachusetts and Colorado. I have been admitted *pro hac vice* in many district courts including the Eastern and Northern Districts of Texas, the Northern and Central Districts of California, the District of Delaware, the Southern and Northern Districts of New York, the Eastern District of Pennsylvania, the Southern and Northern Districts of Indiana, the Southern District of Ohio and the District of Utah.

Matuschak Decl. ¶ 2 (Ex. 1122). Mr. Matuschak also states:

I am familiar with the subject matter at issue in this proceeding. I am counsel in *Zond, LLC v. The Gillette Co. and The Procter & Gamble Co.*, No. 1:13-CV-11567-DJC (D. Mass.) (filed July 1, 2013), which is related to and involves the same patent at issue in this proceeding. ... I have represented The Procter & Gamble Company and/or The Gillette Company in multiple patent and trademark matters since 2008, including confidential patent-related analysis, and the following United States District Court cases: *Georgia-Pacific Consumer Products LP v. The Procter & Gamble Co.*, No. 1:08-CV-3245 (N.D. Ga. 2008); *The Procter & Gamble Co. v. Georgia-Pacific Consumer Products LP*, No. 1:09-CV-318 (S.D. Ohio 2009); *The Gillette Co. and The Procter & Gamble Co. v. Sebron Co.*, No. 8:08-cv-00154 (C.D. Cal. 2008); *Zond, Inc. v. The Gillette Co. and The Procter & Gamble Co.*, No. 1:13-cv-11567-JLT (D. Mass. 2013).

Matuschak Decl. ¶¶ 10-11 (Ex. 1122).

3. The Board has recognized “that there is a need for [a party] to have its related litigation counsel involved” in the *inter partes* review process. *LKQ Corp. v. ClearLamp, LLC*, Case IPR2013-00020 (Dec. 5, 2012), Paper 13.

4. In his declaration, Mr. Matuschak also attests to each of the listed items required by the “Order—Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7 and agrees to be subject to the United States Patent and Trademark Office’s Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* See Matuschak Decl. ¶¶ 1-12 (Ex. 1122).

5. Finally, this proceeding is just one of six parallel proceedings before this Board that involve the same Petitioners and Patent Owner, as well as the same lead and backup counsel. See Case Nos. IPR2014-00477, IPR2014-00479, IPR2014-00578, IPR2014-00604, and IPR2014-00580. Mr. Matuschak’s admission is necessary to enable him to assist lead and backup counsel with litigation-related tasks—e.g., taking depositions of Patent Owner’s experts—in these concurrent proceedings.

III. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board admit Mark Matuschak *pro hac vice* in this proceeding.

Respectfully Submitted,

/Michael A. Diener/

Michael A. Diener
Registration No. 37,122
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boson, MA 02109
michael.diener@wilmerhale.com
Tel.: 617-526-6000

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