

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.,
TSMC NORTH AMERICA CORPORATION,
FUJITSU SEMICONDUCTOR LIMITED, and
FUJITSU SEMICONDUCTOR AMERICA, INC.,

Petitioners,

v.

ZOND, LLC,
Patent Owner

Case IPR2014-00799¹
Patent 7,808,184 B2

**PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION
PURSUANT TO 37 C.F.R. § 42.10(C)**

¹ Case IPR2014-00855 has been joined with the instant proceeding.

This Motion for *Pro Hac Vice* admission is filed solely on behalf of Taiwan Semiconductor Manufacturing Company, Ltd. and TSMC North America Corporation (collectively "TSMC" or "Petitioner"). TSMC respectfully moves that the Board recognize Mr. Anthony J. Fitzpatrick as counsel *pro hac vice* during this proceeding.

1. Time for Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition. (IPR2013-00639, Paper No. 7).

2. Statement of Facts Showing Good Cause for Counsel *Pro Hac Vice*

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

Lead Counsel: David M. O'Dell, USPTO Reg. No. 42,044; and

Backup Counsel: David L. McCombs, USPTO Reg. No. 32,271.

The following statement of facts shows that there is good cause for the Board to recognize Mr. Fitzpatrick *pro hac vice* on behalf of Petitioner.

In summary, Mr. Fitzpatrick is an experienced litigator, has established familiarity with the subject matter at issue in this proceeding from his participation in co-pending litigation involving the subject patent, and if admitted, will be

involved in the depositions that occur in this proceeding. Specifically, U.S. Patent No. 7,808,184 is currently asserted against Petitioner in co-pending litigation, in the District of Massachusetts, 1:13-cv-11634-WGY (*Zond v. Fujitsu, et al.*) (“the co-pending litigation”). Mr. Fitzpatrick is a member of the Massachusetts bar in good standing, and is representing the Petitioner, in the co-pending litigation.

Mr. Fitzpatrick has analyzed prior art references and claim charts in connection with invalidity contentions and has been involved in forming claim construction positions related to the claimed inventions, all of which are relevant to the petition requesting *inter partes* review of U.S. Patent No. 7,808,184. Petitioner wishes to apply Mr. Fitzpatrick's knowledge of the patent by employing him as counsel in this proceeding. Admission of Mr. Fitzpatrick *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

Petitioner's lead and backup counsel are registered practitioners and Mr. Fitzpatrick is an experienced litigation attorney having familiarity with the subject matter at issue in this proceeding. Therefore, Petitioners respectfully submit that there is good cause for the Board to recognize Mr. Fitzpatrick as counsel *pro hac vice* during this proceeding.

3. Affidavit of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is supported by an Affidavit of Mr. Fitzpatrick (Ex. 1025).

Respectfully submitted,

Date: October 28, 2014

/David M. O'Dell/
David M. O'Dell
Lead Counsel for Petitioner TSMC
Registration No. 42,044

Petitioners' Updated Exhibit List
October 28, 2014

Exhibit	Description
1001	U.S. Patent No. 7,808,184 ("the '184 Patent")
1002	Declaration of Dr. Richard DeVito ("DeVito Decl.")
1003	D.V. Mozgrin, <i>et al</i> , <u>High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research</u> , Plasma Physics Reports, Vol. 21, No. 5, pp. 400-409, 1995 ("Mozgrin")
1004	A. A. Kudryavtsev and V.N. Skerbov, <u>Ionization relaxation in a plasma produced by a pulsed inert-gas discharge</u> , Sov. Phys. Tech. Phys. 28(1), pp. 30-35, January 1983 ("Kudryavtsev")
1005	U.S. Pat. No. 6,413,382 ("Wang")
1006	Certified Translation of D.V. Mozgrin, <u>High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research</u> , Thesis at Moscow Engineering Physics Institute, 1994 ("Mozgrin Thesis")
1007	Mozgrin Thesis (Original Russian)
1008	Catalogue Entry at the Russian State Library for of the Mozgrin Thesis
1009	File History for U.S. Pat. No. 7,808,184, Office Action of December 8, 2009 ("12/08/09 Office Action")
1010	File History for U.S. Pat. No. 7,808,184, Response dated June 3, 2010 ("06/03/10 Response")
1011	File History for U.S. Pat. No. 7,808,184, Notice of Allowance, ("06/28/10 Notice of Allowance")
1012	Plasma Etching: An Introduction, by Manos and Flamm, pp. 185-258, Academic Press (1989) ("Manos")

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