

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,
FUJITSU SEMICONDUCTOR AMERICA, INC.,
ADVANCED MICRO DEVICES, INC., RENESAS ELECTRONICS
CORPORATION, RENESAS ELECTRONICS AMERICA, INC.,
GLOBALFOUNDRIES U.S., INC., GLOBALFOUNDRIES DRESDEN
MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN
MODULE TWO LLC & CO. KG, TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC., TOSHIBA AMERICA INC., TOSHIBA
AMERICA INFORMATION SYSTEMS, INC.,
TOSHIBA CORPORATION, and
THE GILLETTE COMPANY,
Petitioners,

v.

ZOND, LLC,
Patent Owner

Case IPR2014-00802¹
Patent 7,811,421 B2

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

¹ Cases IPR 2014-00848, IPR 2014-00992, and IPR 2014-01071 have 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 L. McCombs, USPTO Reg. No. 32,271; and

Backup Counsel: David M. O'Dell, USPTO Reg. No. 42,044.

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. 7,811,421 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. 7,811,421. 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. 1226).

Respectfully submitted,

Date: October 28, 2014

/David L. McCombs/
David L. McCombs
Lead Counsel for Petitioner TSMC
Registration No. 32,271

Petitioners' Updated Exhibit List
October 28, 2014

Exhibit	Description
1201	U.S. Patent No. 7,811,421
1202	Kortshagen Declaration
1203	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”)
1204	U.S. Patent No. 6,413,382 (“Wang”)
1205	U.S. Patent No. 6,190,512 (“Lantsman”)
1206	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”)
1207	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”)
1208	Mozgrin Thesis (Original Russian)
1209	Catalogue Entry at the Russian State Library for the Mozgrin Thesis
1210	WO 02/103078 A1 (“Kouznetsov”)
1211	U.S. Patent No. 7,147,759 (the “759 Patent”)
1212	File History for U.S. Pat. No. 7, 147,759 , Response of May 2, 2006 (“05/02/06 Resp. of ‘759 Patent file history”)
1213	Plasma Etching: An Introduction, by Manos and Flamm, Academic Press (1989) (“Manos”)

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