

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VMWARE, INC., INTERNATIONAL  
BUSINESS MACHINES CORPORATION  
AND  
ORACLE AMERICA, INC.  
Petitioners,

v.

ELECTRONICS AND TELECOMMUNICATIONS RESEARCH  
INSTITUTE  
Patent Owner

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Case IPR2014-00949  
Case IPR2014-00901  
Patent No. 6,978,346 B2

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**UNOPPOSED PETITIONER VMWARE, INC.'S  
MOTION FOR *PRO HAC VICE* ADMISSION  
UNDER 37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), the Petitioner (“VMware”) respectfully requests that the Board recognize Leeron Kalay as counsel *pro hac vice* in this proceeding. VMware seeks the counsel of Mr. Kalay due to his experience in representing VMware in patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding. 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 June 25, 2014.

On February 4, 2015, Petitioner contacted counsel for the Patent Owner, Matt Phillips at Renaissance IP Law Group, to discuss the Patent Owner’s position on this motion. Patent Owner’s counsel stated that the Patent Owner does not oppose this motion.

### **Statement of Facts**

Mr. Kalay is a patent litigation attorney with 10 years of experience representing clients in patent cases involving technologies such as RAID systems, software, wireless, semiconductor, medical device, and turbocharger industries. VMware provides Exhibit A, as evidence, Mr. Kalay’s biography.

Mr. Kalay also has particular experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding. Mr. Kalay is

counsel for VMware in the co-pending litigation involving the patent at issue in this proceeding, U.S. Patent. No. 6,978,346 (“the ’346 patent”): *Safe Storage LLC v. VMware, Inc.*, Case No. 1-13-cv-00928-GMS in the United States District Court for the District of Delaware, filed on May 23, 2013. As counsel for VMware, Mr. Kalay is deeply involved in all aspects of the litigation, including claim construction and validity analysis, and therefore has established familiarity with the ’346 patent. Given Mr. Kalay’s experience with the ’346 patent, admission of Mr. Kalay *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

Petitioner will also maintain registered practitioners as lead and back-up counsel as indicated in Paper No. 8 at 2:

LEAD COUNSEL	BACK-UP COUNSEL
Katherine Kelly Lutton Reg. No. 46,333 Fish & Richardson P.C. 3200 RBC Plaza 60 South Sixth Street Minneapolis, MN 55402 T: 202-783-5070 F: 202-783-2331	Timothy W. Riffe Reg. No. 43,881 Fish & Richardson P.C. 3200 RBC Plaza 60 South Sixth Street Minneapolis, MN 55402 T: 202-783-5070 F: 202-783-2331

**1. Affidavit of Individual Seeking to Appear**

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Kalay as required by the Order Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00639 at Paper 7.

Accordingly, VMware submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Mr. Kalay as counsel *pro hac vice* during this proceeding.

Respectfully submitted,



Date: April 22, 2015 \_\_\_\_\_

\_\_\_\_\_  
Katherine Kelly Lutton  
Reg. No. 46,333  
Counsel for Petitioner

Fish & Richardson P.C.  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

**CERTIFICATE OF SERVICE**

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on April 22, 2015, a complete and entire copy of this Motion for Pro Hac Vice Admission and all supporting exhibits were provided via email to the Patent Owner by serving the correspondence address of record as follows:

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