

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTERNATIONAL BUSINESS MACHINES CORPORATION and  
ORACLE AMERICA, INC.

Petitioners,

v.

ELECTRONICS AND TELECOMMUNICATIONS  
RESEARCH INSTITUTE,

Patent Owner.

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Case IPR2014-00949

Patent 6,978,346 B2

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

International Business Machines Corporation and Oracle America, Inc. (collectively “Petitioners”) request the Board to recognize Benjamin A. Lasky as counsel *pro hac vice* during this proceeding.

## I. TIME FOR FILING

This Motion for Admission *Pro Hac Vice* is being filed with the Board’s authorization and in accordance with “Order -- Authorizing Motion *for Pro Hac Vice* Admission” entered in Case IPR2013-00639 at Paper 7. This motion is being filed no sooner than 21 days after service of the IPR petition.

## II. STATEMENT OF FACTS SHOWING GOOD CAUSE

Petitioners have been authorized to file motions seeking admission *pro hac vice* under 37 C.F.R. 42.10(c). (Paper No. 4 at 3.) Petitioners’ lead and back-up counsel are registered practitioners.

Lead Counsel	Back-up Counsel
Todd M. Friedman (Reg. No. 42,559)	Gregory S. Arovas (Reg. No. 38,818)
	Eugene Goryunov (Reg. No. 61,579)

As demonstrated below, there is good cause for the Board to recognize Mr. Lasky *pro hac vice*.

*First*, Mr. Lasky is an experienced patent litigation attorney with more than twelve years of experience. Mr. Lasky has been involved in numerous litigations

involving patent infringement in District Courts across the country, and at the Court of Appeals for the Federal Circuit.

*Second*, Mr. Lasky has an established familiarity with the subject matter at issue in this proceeding. Mr. Lasky is counsel and has been actively involved in co-pending litigation involving the patent at issue here, U.S. Patent No. 6,978,346 (“the ’346 Patent”). Most recently, the ’346 Patent is asserted in the co-pending litigation *Safe Storage LLC v. International Business Machines Corporation*, Case No. 1:13-cv-01151-GMS (D. Del.), filed on June 28, 2013. As counsel in this district court litigation, Mr. Lasky is deeply involved in all aspects of the litigation on behalf of International Business Machines Corp., including claim construction and validity analysis, and therefore has established familiarity with the ’346 Patent.

*Third*, given Mr. Lasky’s experience with the ’346 Patent, admission of Mr. Lasky *pro hac vice* will enable Petitioners to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigations.

In sum, Petitioners’ lead and backup counsel are registered practitioners, Mr. Lasky is an experienced patent litigation attorney, and Mr. Lasky has an established familiarity with the subject matter at issue in this proceeding. Petitioners submit that there is good cause for the Board to recognize Mr. Lasky as counsel *pro hac vice* in this proceeding.

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Patent 6,978,346 B2

Respectfully submitted,  
Kirkland & Ellis LLP

*/s/Todd M. Friedman*

Date: September 12, 2014  
601 Lexington Avenue  
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(212) 446-4800

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Todd M. Friedman  
Registration No. 42,559  
Attorney for Petitioners

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Petitioners' Motion for Admission *Pro Hac Vice* of Benjamin A. Lasky Pursuant to 37 C.F.R. § 42.10(c), and all supporting documents, was served on September 12, 2014, provided by email, as consented to by counsel, to the Patent Owner by serving the counsel of record as follows:

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