

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

Applicant:	Darbee	Universal Remote Control, Inc.
Case No.:	IPR2014-01106	v.
Filing Date:	4/8/1993	Universal Electronics, Inc.
Patent No.:	5,255,313	Trial Paralegal: Cathy Underwood
Title:	Universal Remote Control System	Atty Doc.: 059489.144100

**UNIVERSAL ELECTRONICS, INC.'S UNOPPOSED MOTION
FOR *PRO HAC VICE* ADMISSION OF MATTHEW J. LEVINSTEIN
UNDER 37 C.F.R. § 42.10(c)**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Filing: I hereby certify that this Motion is being electronically filed with the USPTO on this 22nd day of July, 2014.

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Universal Electronics, Inc. (“UEI”), by and through its attorneys, respectfully requests that the Board admit Matthew J. Levinstein *pro hac vice* in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

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. For example, where the 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 showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

Further, the Board requires that a motion for *pro hac vice* admission be filed in accordance with the “ORDER-AUTHORIZING MOTION FOR PRO HAC VICE ADMISSION – 37 C.F.R. §42.10” in *Motorola Mobility LLC v. Patent of Michael Arouse*, Case No. IPR2013-00010 (“Representative Order”). The Representative Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding,” and “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:”

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;

- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R.;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.*¹ and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and

¹ The USPTO Code of Professional Responsibility in 37 C.F.R. § 10.20 *et seq.* was replaced by the USPTO Rules of Professional Conduct in 37 C.F.R. § 11.101 *et seq.*, effective May 3, 2013.

- viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Matthew J. Levinstein submitted herewith, UEI submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Matthew J. Levinstein in this proceeding:

1. UEI's lead counsel, Eric J. Maiers, is a registered practitioner (Reg. No. 59,614).
2. UEI's backup counsel, James J. Lukas, Jr., Reg. No. 59,114, Robbie Harmer, Reg. No. 68,048, and Michael A. Nicodema, Reg. No. 33,199, are registered practitioners.
3. Mr. Levinstein is an Associate at the law firm of Greenberg Traurig, LLP ("Greenberg"). Mr. Levinstein joined Greenberg as an Associate in March 2010. (Declaration of Matthew J. Levinstein in Support of UEI's Unopposed Motion for *pro hac vice* Admission of Matthew J. Levinstein under 37 C.F.R. § 42.10(c).)
4. Mr. Levinstein is an experienced litigating attorney and has specific experience in patent law and patent law litigation. Mr. Levinstein has represented clients in numerous patent infringement actions across the

country. Mr. Levinstein has litigated matters through trial and appeal.

(Id.)

5. Mr. Levinstein is a member in good standing of the Illinois State Bar.

(Id.)

6. Mr. Levinstein has never been suspended or disbarred from practice before any court or administrative body. *(Id.)*

7. No application filed by Mr. Levinstein for admission to practice before any court or administrative body has ever been denied. *(Id.)*

8. No sanctions or contempt citations have been imposed against Mr. Levinstein by any court or administrative body. *(Id.)*

9. Mr. Levinstein has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R. *(Id.)*

10. Mr. Levinstein understands that he will be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. §11.19(a). *(Id.)*

11. Mr. Levinstein is currently or soon will be seeking *pro hac vice* admission in the following matters filed by URC: IPR Nos. 2014-01082, 01084, 01102, 01103, 01104, 01106, 01109, 01111, 01112, and 01146. Mr. Levinstein has not applied to appear *pro hac vice* in

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