

IPR2014-01181
U.S. Patent No. 8,532,641

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD; SAMSUNG ELECTRONICS AMERICA,
INC.

Petitioners

v.

AFFINITY LABS OF TEXAS, LLC

Patent Owner

Case IPR2014-01181¹

Patent 8,532,641

Before the Honorable KEVIN F. TURNER, LYNNE E. PETTIGREW, and
JON B. TORNQUIST, *Administrative Patent Judges*.

**UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF
BRIAN P. BIDDINGER**

Pursuant to Rule 42.10(c), and as authorized in the Notice Of Filing Date
Accorded To Petition And Time for Filing Patent Owner Preliminary Response
(Paper 3), Petitioners Samsung Electronics Co., Ltd., and Samsung Electronics

¹ Case IPR2014-01182 and Case IPR2014-01184 have been consolidated with the
instant proceeding. *See* IPR2014-01181 Paper 15.

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America, Inc. (collectively “Samsung”) respectfully request *pro hac vice* admission of Brian P. Biddinger as counsel in this proceeding.

I. Time for Filing

This Motion is timely because it is being filed no sooner than twenty one (21) days after service of the Petition in this proceeding, which occurred on July 28, 2014.

II. Statement of Facts

The following statement of facts demonstrates that there is good cause for the Board to recognize Brian P. Biddinger as counsel *pro hac vice* in this proceeding.

Mr. Biddinger is an experienced litigation attorney and has an established familiarity with the subject matter at issue in this proceeding. Mr. Biddinger has been practicing law since 2003 and has extensive experience litigating patent infringement cases in many different District Courts across the country. Among his experience in patent litigation matters, Mr. Biddinger has been counsel in multiple trials, *Markman* hearings, patent summary judgment proceedings, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and infringement issues. Mr. Biddinger has also been recognized as a leading patent litigation attorney including as a New York Super Lawyer (2013) and a New York Super Lawyers Rising Star (2011-2012).

Mr. Biddinger is familiar with U.S. Patent No. 8,532,641 (“the ‘641 Patent”) and the issues involved in this case. Mr. Biddinger has been representing Petitioners Samsung against Patent Owner Affinity Labs of Texas, LLC (“Affinity”) as counsel in

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the pending District Court litigation since 2013, and has been actively involved as counsel for Samsung since that time. As counsel in the District Court litigation, Mr. Biddinger has, among other things, been heavily involved with forming non-infringement and invalidity positions against Affinity's patents. In addition, Mr. Biddinger is representing Samsung as backup counsel *pro hac vice* in the IPR proceedings of related U.S. Patent No. 7,953,390 (IPR2014-00209 and IPR2014-00212) and U.S. Patent No. 8,359,007 (IPR2014-00407 and IPR2014-00408), also involving Affinity and Samsung. Accordingly, Samsung prefers that Mr. Biddinger continue as counsel in this IPR proceeding as well; and, further, Affinity does not oppose Mr. Biddinger's admission *pro hac vice*.

III. Declaration of Brian P. Biddinger

As directed by the Board, this Motion is also accompanied by the Declaration of Brian P. Biddinger in Support of Motion for *Pro Hac Vice* Admission attesting to the requirements laid out in the Board's Order Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00639 (Paper 7).

For the foregoing reasons as well as the reasons contained in the attached declaration, Samsung respectfully requests admission of Brian P. Biddinger as counsel *pro hac vice*.

Respectfully submitted,

March 24, 2015

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DECLARATION OF BRIAN P. BIDDINGER
IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

I, Brian P. Biddinger, being duly sworn and upon oath, hereby attest to the
following:

1. I am a member in good standing of the Bars of New York and California.
2. I have never been suspended or disbarred from practice before any court or
administrative body.

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