

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and QUANTUM CORPORATION,
Petitioners,

v.

CROSSROADS SYSTEMS, INC.,
Patent Owner.

Case IPR2014-01544
Patent 7,051,147 B2

Before J. JOHN LEE, *Administrative Patent Judge*.

ORDER GRANTING
MOTION FOR ADMISSION *PRO HAC VICE*
37 C.F.R. § 42.10

Petitioners Cisco Systems, Inc. (“Cisco”) and Quantum Corporation (“Quantum”) move for the admission *pro hac vice* of attorney Clement S. Roberts in accordance with 37 C.F.R. § 42.10 (“Motion”). Paper 11 (filed Apr. 3, 2015). Patent Owner Crossroads Systems, Inc. has not opposed the Motion. The Motion is *granted* for the reasons set forth below.

As set forth in 37 C.F.R. § 42.10(c), 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. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c).

Lead counsel for Petitioners is David L. McCombs, a registered practitioner. In support of the Motion, Petitioners submit the Affidavit of Clement S. Roberts. Ex. 1013. The Motion and the Affidavit set forth the following relevant facts (Paper 11, 1–2; Ex. 1013, 1–3):

- (1) Mr. Roberts is a member in good standing of the Bar of at least one State (California), as well as the Bar of the U.S. Court of Appeals for the Federal Circuit and U.S. Court of Appeals for the Second Circuit, as well as several U.S. District Courts.
- (2) Mr. Roberts has not been suspended or disbarred from practice before any court or administrative body.
- (3) Mr. Roberts has not had any application for admission to practice before any court or administrative body denied.
- (4) Mr. Roberts has not been subject to any sanctions or contempt citations imposed by any court or administrative body.

- (5) Mr. Roberts has been involved in five other proceedings before the Office for which he has applied to appear *pro hac vice* in the last three years:
- (a) *Netflix, Inc., v. OpenTV, Inc.*, Case IPR2014-00252;
 - (b) *Netflix, Inc., v. OpenTV, Inc.*, Case IPR2014-00267;
 - (c) *Netflix, Inc., v. OpenTV, Inc.*, Case IPR2014-00269;
 - (d) *Cisco Sys., Inc., v. Crossroads Sys., Inc.*, Case IPR2014-01226; and
 - (e) *Cisco Sys., Inc., v. Crossroads Sys., Inc.*, Case IPR2014-01463.
- (6) Mr. Roberts is an experienced litigating attorney, including significant experience in patent litigation.
- (7) Mr. Roberts has an established familiarity with the subject matter at issue in this proceeding. He is Quantum's trial counsel in a co-pending district court case, which involves the same patent at issue in this proceeding. Specifically, as trial counsel, Mr. Roberts is familiar with the prior art asserted by Petitioners in this proceeding and claim construction issues relevant to this proceeding.

In addition to the above facts, Mr. Roberts confirms that he has reviewed and will comply with the Office Trial Practice Guide and the Board's Rules of Practice for Trials set forth in Part 42 of the Code of Federal Regulations. Ex. 1013, 1. Further, Mr. Roberts affirms that he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at 2.

Upon consideration, Petitioners have shown good cause for Mr. Roberts's admission *pro hac vice* to appear in this proceeding.

ORDER

It is

ORDERED that the Motion for *Pro Hac Vice* Admission of Clement S. Roberts is granted;

FURTHER ORDERED that Mr. Roberts is authorized to appear as back-up counsel for Petitioners in this proceeding, but he may not act as lead counsel;

FURTHER ORDERED that a registered practitioner must remain as lead counsel throughout the proceeding;

FURTHER ORDERED that Mr. Roberts is to comply with the Office Trial Practice Guide and the Board's Rules of Practice for Trials set forth in Title 37, Part 42 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Roberts is subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

IPR 2014-01544
Patent 7,051,147 B2

PETITIONER:

David L. McCombs
Andrew S. Ehmke
Scott T. Jarratt
HAYNES AND BOONE, LLP
david.mccombs.ipr@haynesboone.com
andy.ehmke.ipr@haynesboone.com
scott.jarratt.ipr@haynesboone.com

PATENT OWNER:

Russell Wong
James Hall
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, LLP
crossroadsipr@counselip.com

Steven R. Sprinkle
John L. Adair
SPRINKLE IP LAW GROUP
crossroadsipr@sprinklelaw.com