

Case IPR2015-00283
Patent 6,038,295

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

TLI COMMUNICATIONS LLC
Patent Owner

Case IPR2015-00283

Patent 6,038,295

**GOOGLE INC.'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF SAMUEL BRYANT DAVIDOFF
PURSUANT TO 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the Board’s “Notice of Filing Date Accorded to Petition” (Paper 3, dated December 5, 2014) (“Notice of Filing Date”), Petitioner Google Inc. (“Google”) respectfully requests the *pro hac vice* admission of Samuel Bryant Davidoff in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

The Board is authorized to recognize counsel *pro hac vice* pursuant to 37 C.F.R. § 42.10(c), which provides that:

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.

The Notice of Filing Date requires that any motion for *pro hac vice* admission be filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR 2013-00639, Paper 7 (“*Unified Patents Order*”). (See Notice of Filing Date at 3.)

The *Unified Patents* Order requires that a *pro hac vice* motion “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.” *Unified Patents* Order at 3. A motion for *pro hac vice* admission should also be 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 37 C.F.R.;
- vi. The individual will 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);
- 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
- viii. Familiarity with the subject matter at issue in the proceeding.

Unified Patents Order at 3.

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Declaration of Mr. Davidoff submitted herewith as Exhibit 1034, Google requests the *pro hac vice* admission of Samuel Bryant Davidoff in this proceeding:

1. Google's lead counsel, Andrew V. Trask, is a registered practitioner (Reg. No. 59,239).
2. Mr. Davidoff is an experienced litigating attorney. Mr. Davidoff has been practicing patent litigation among other types of complex civil litigation for approximately eight years. Ex. 1034 ¶ 1.
3. Mr. Davidoff has established familiarity with the subject matter at issue in this proceeding. As detailed below, Mr. Davidoff is and has been litigation counsel to Google in related proceedings in which the identical claims of the '295 patent are at issue. *Id.* ¶ 10.
4. Mr. Davidoff is a member in good standing of the bars of the State of New York and the District of Columbia. *Id.* ¶ 3.
5. Mr. Davidoff has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 4.

6. No court or administrative body has ever denied Mr. Davidoff's application for admission to practice before it. *Id.* ¶ 5.
7. No court or administrative body has ever imposed sanctions or contempt citations on Mr. Davidoff. *Id.* ¶ 6.
8. Mr. Davidoff 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 37 C.F.R. *Id.* ¶ 7.
9. Mr. Davidoff understands that he will 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.* ¶ 8.
10. Mr. Davidoff has not applied to appear *pro hac vice* in any proceedings before this Office in the last three (3) years. *Id.* ¶ 9.
11. Counsel for Google conferred with lead counsel for TLI Communications LLC ("TLI") before filing this motion, and TLI indicated that it does not oppose this motion or the admission of Mr. Davidoff on a *pro hac* basis for this matter.

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. DAVIDOFF IN THIS PROCEEDING

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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.