

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 KEVIN HARDY
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 Kevin Hardy 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. Hardy submitted herewith as Exhibit 1035, Google requests the *pro hac vice* admission of Kevin Hardy in this proceeding:

1. Google's lead counsel, Andrew V. Trask, is a registered practitioner (Reg. No. 59,239).
2. Mr. Hardy is an experienced litigating attorney. Mr. Hardy has been practicing patent litigation for thirteen years. Ex. 1035 ¶ 1.
3. Mr. Hardy has established familiarity with the subject matter at issue in this proceeding. As detailed below, Mr. Hardy 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. Hardy is a member in good standing of the bars of the State of Maryland and the District of Columbia. *Id.* ¶ 3.
5. Mr. Hardy 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. Hardy'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. Hardy. *Id.* ¶ 6.
8. Mr. Hardy 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. Hardy 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. Hardy 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. Hardy on a *pro hac* basis for this matter.

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. HARDY 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 practitioner and to any other conditions as the Board may impose. 37 C.F.R. § 42.10(c). Google’s lead counsel, Andrew V. Trask, is a registered practitioner

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