UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,

Petitioner

v.

AT HOME BONDHOLDERS' LIQUIDATING TRUST

Patent Owner

Case No. IPR2015-00658

U.S. Patent No. 6,286,045

PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF AUDREY MANESS PURSUANT TO 37 § C.F.R. 42.10

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, and as authorized in the Board's Notice of Filing Date Accorded to Petition (Paper 3) ("Authorizing Order"), entered on February 24, 2015, Patent Owner At Home Bondholders' Liquidating Trust requests that the Board admit Audrey Maness *pro hac vice* in this proceeding involving U.S. Patent No. 6,286,045 ("the '045 patent").

Petitioner Google Inc. also filed four related petitions on the same day, February 2, 2015: two involving the same '045 patent (IPR2015-00657 and IPR2015-00660), and another two involving U.S. Patent No. 6,014,698 ("the '698 patent"), which is a continuation-in-part of the '045 patent, (IPR2015-00662 and IPR2015-00666). Patent Owner has asserted both the '045 patent and the '698 patent against Petitioner Google in a pending district court litigation in the Northern District of California, *Richard A. Williamson, On Behalf of and as Trustee for At Home Bondholders' Liquidating Trust v. Google Inc.*, No. 3:15-cv-00966-JD.

II. GOVERNING LAW, RULES AND PRECEDENT

Pursuant to 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 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.

37 C.F.R. § 42.10(c). The Authorizing Order requires that any motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the "Order – Authorizing Motion for *Pro Hac Vice* Admission" entered in Case IPR2013-00639 (Authorizing Order at 2).

The Order in Case IPR2013-00639 requires that a Motion for *pro hac vice* Admission contain (1) "a statement of facts showing there is good cause for the Board to recognize counsel *pro hac* vice during the proceeding"; and (2) "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.

III. STATEMENT OF FACTS

The facts, supported by the attached Declaration of Audrey Maness in Support of Motion to Appear *Pro Hac Vice* ("Maness Decl."), establish good cause to admit Ms. Maness *pro hac vice* in this proceeding.

1. Audrey Maness is an experienced litigating attorney. Ms. Maness has been an attorney for more than eight years. (Maness Decl. ¶ 1.) In particular, Ms. Maness has been litigating patent cases for approximately seven of those years. (*Id.*)

2. Lead counsel Garland Stephens is a registered practitioner (Reg. No. 37,242). (*Id.* ¶2.) Back-up counsel Justin Constant is a registered practitioner

(Reg. 66,884). (*Id.*) With respect to this proceeding, Ms. Maness will work closely with the lead and back-up counsel. (*Id.*)

3. Ms. Maness is a member in good standing of the Texas State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States Courts of Appeals for the Fifth, Eighth, and Federal Circuits, and the United States District Courts for the Northern and Eastern Districts of Texas. (*Id.* ¶¶ 3-6.)

4. Ms. Maness is familiar with the subject matter at issue in this proceeding based on his work as lead counsel in the pending district court case *Richard A. Williamson, On Behalf of and as Trustee for At Home Bondholders' Liquidating Trust v. Google Inc.*, No. 3:15-cv-00966-JD (N.D. Cal. March 3, 2015), which involves the same patent at issue in this proceeding. (*Id.* ¶7.)

5. Ms. Maness has been actively involved in all aspects of the pending district court case, which was originally filed in the District of Delaware (Case No. 1:14-cv-00216-GMS) on February 19, 2014 before getting transferred to the Northern District of California on March 2, 2015, including the issue of validity of the patents-in-suit that include the patent at issue in this proceeding. (*Id.* ¶8.) Patent Owner also asserted the related '698 patent in this case. In view of her legal

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