

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WhatsApp Inc. and Facebook, Inc.
Petitioner

v.

TriPlay Communications Ltd.
Patent Owner

Case IPR2015-00740
U.S. Patent No. 8,332,475

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 41.10(c)**

Petitioner WhatsApp Inc. and Facebook, Inc. respectfully requests that the Board recognize Reuben Chen, Esq., as counsel *pro hac vice* during this proceeding.

I. BACKGROUND

Petitioner's Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the "Order—Authorizing Motion for *Pro Hac Vice* Admission" in Case No. IPR2013-00639 (MPT) ["the Order"].

II. STATEMENT OF FACTS

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Chen *pro hac vice*.

Mr. Chen is an experienced litigation attorney and has been involved in numerous complex litigations in state and federal courts. Mr. Chen's biography is attached hereto to this Motion.

Mr. Chen has reviewed U.S. Patent No. 8,332,475, and the petition already filed in this proceeding. Further, Mr. Chen is familiar with the pending litigation between the parties pending before the U.S. District Court for Delaware entitled *Triplay, Inc. et al. v. WhatsApp Inc.*, Case No. 1:13-cv-01703-LPS; and, as such, is familiar with the subject matter at issue in this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the

Board to recognize Mr. Chen as counsel *pro hac vice* during this proceeding.

III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

Petitioner's Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Reuben Chen as required by the Order.

Dated: March 18, 2015

Respectfully submitted,

COOLEY LLP

ATTN: Patent Group
1299 Pennsylvania Ave., NW, Suite 700
Washington, DC 20004
Tel: (650) 843-5001
Fax: (650) 849-7400

By: /Heidi L. Keefe/
Heidi L. Keefe
Reg. No. 40,673
Counsel for Petitioner
WhatsApp Inc. and Facebook,
Inc.

REUBEN CHEN

PARTNER



OFFICE:

Palo Alto
3175 Hanover Street
Palo Alto, California
94304

T: +1 650 843 5480
F: +1 650 849 7400
E: rchen@cooley.com

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Reuben Chen is a partner in the Intellectual Property Litigation practice group and a member of Cooley's Litigation department. He joined the firm in 2003 and is resident in the Palo Alto office.

Mr. Chen's practice focuses on intellectual property litigation and counseling, across a wide range of technologies, including computer, web, mobile, and communications technologies as well as biotechnology and chemistry. He has been recognized repeatedly by *Super Lawyers* magazine as one of Northern California's Rising Stars in IP Litigation.

Mr. Chen has successfully handled cases in popular patent litigation venues such as the Northern District of California, the Eastern District of Texas, and the District of Delaware, as well as in alternative dispute resolution forums.

Recent representative cases include:

- *Evolutionary Intelligence, LLC v. Facebook, Inc.* (N.D. Cal.) – Defended Facebook in a patent infringement action. The case is stayed pending PTO inter partes review proceedings.
- *Huntley, LLC v. Monterey Mushrooms, Inc.*, (D. Del.) – Defended Monterey Mushrooms in a patent infringement action, obtaining a dismissal of the case with prejudice along with attorneys' fees and costs.
- *JDS Uniphase Corporation v. CoAdna Photonics, Inc.*, (N.D. Cal.) – Defended CoAdna Photonics in a patent infringement action. The case was dismissed with prejudice.
- *Macrosolve, Inc. v. MediaFire, LLC*, (E.D. Tex.) – Defended MediaFire in a patent infringement action, obtaining a dismissal.
- *Mekiki Co., Ltd. v. Facebook, Inc.* (N.D. Cal.) – Defended Facebook in a patent infringement action. The case was dismissed in light of PTO's reexamination of patents-in-suit, after Facebook requested reexamination. The PTO subsequently rejected the asserted patent claims in reexamination.
- *PersonalWeb Techs., LLC, et al. v. Facebook, Inc.* (N.D. Cal.) - Defended Facebook in a patent infringement action. The case was administratively closed in light of pending PTO inter partes

review of the patents-in-suit.

- *The Penn State Research Foundation, Inc. v. Monterey Mushrooms, Inc.* (M.D. Pa.) – Defended Monterey Mushrooms in a correction of inventorship and ownership dispute, obtaining a settlement and dismissal.
- *The Salk Institute for Biological Studies v. Acceleron Pharma, Inc.* (D. Mass.) - Represented the Salk Institute in breach of contract action involving TGF-Beta ligand trap.
- *Tranz-Send Broadcasting Network, Inc. v. BitTorrent, Inc.* (N.D. Cal.) – Defended BitTorrent in a patent infringement action, obtaining a dismissal with prejudice.
- *Weyer, et al. v. Facebook, Inc.* (Fed. Cir.) – Represented Facebook and successfully argued at Federal Circuit to invalidate asserted patent.
- *WhoGlue, Inc. v. Facebook, Inc.* (D. Del.) – Defended Facebook in a patent infringement action. The case was dismissed.
- *Zenith Electronics Corporation v. Thomson, Inc., et al.* (E.D. Tex.). Represented Zenith in a patent enforcement action. All Defendants who manufacture are now licensees to the patents.

Mr. Chen is a frequent lecturer on intellectual property and patent matters and serves on the Advisory Board of the Stanford Law School Program in Law, Science & Technology. Additionally, Mr. Chen serves on the Stanford Law School Board of Visitors and as Co-Chair of the Stanford Alumni Regional Law Chapter for Silicon Valley. He further serves on the Board of Directors and is past President of the Asian Pacific American Bar Association of Silicon Valley. Previously, Mr. Chen served on the Santa Clara County Bar Association's Judiciary Committee, which evaluates judicial candidates at the request of the California governor, and on the association's Board of Trustees and Strategic Planning Committee.

Additionally, Mr. Chen's efforts on *pro bono* matters have been recognized by the American Bar Association, the National Law Journal, the California Lawyers for the Arts, and the San Francisco Daily Journal.

Mr. Chen received a JD from Stanford Law School in 2003. During law school, he was a legal assistant to Professor Paul Goldstein and completed an externship with the Honorable Sandra Brown Armstrong of the United States District Court. Additionally, while at Stanford, Mr. Chen was a representative of the Law Association, the treasurer of the Asian and Pacific Islander Law Students Association, a committee co-chair for the Stanford Public Interest Law Foundation, a member of the *Stanford Journal of International Law*, and a volunteer for the East Palo Alto Community Law Project. Mr. Chen received a BA, *summa cum laude*, from the University of Pennsylvania in 1998 with a major in Biology and a minor in Chemistry.

Mr. Chen has received the following awards and recognition:

- Northern California Rising Star for Intellectual Property Litigation by *Super Lawyers* magazine, 2014 and 2013
- Minority Bar Coalition Unity Award, 2013
- *Lawyers of Color* Hot List, 2013

Prior to law school, Mr. Chen was a Medical College Admissions Test instructor for Kaplan, where he

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