

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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APPLE INC.,  
Petitioner

v.

OpenTV, Inc.,  
Patent Owner.

Case IPR2015-01031  
Patent 7,900,229

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION PURSUANT  
TO 37 C.F.R. §42.10(C)**

## **I. INTRODUCTION**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Apple Inc. (“Petitioner” or “Apple”) respectfully requests that the Board recognize Melody Drummond Hansen as counsel *pro hac vice* in this proceeding. Petitioner’s lead counsel in this proceeding is a registered practitioner and, as illustrated below, Ms. Drummond Hansen is an experienced litigator with an established familiarity with this proceeding’s subject matter. Thus, there is good cause for the Board to recognize Ms. Drummond Hansen as counsel *pro hac vice* in this proceeding.

## **II. TIME FOR FILING**

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition. *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013).

## **III. STATEMENT OF FACTS**

This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on April 14, 2015 (Paper No. 3). Petitioner’s lead and back-up counsel are registered practitioners.

Where lead counsel is a registered practitioner, the Board may permit a non-registered practitioner to appear *pro hac vice* “upon a showing that counsel is an experienced litigating attorney and has established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. §42.10(c); *Unified Patents, Case*

IPR2013-00639, Paper 7 (setting forth requirements for *pro hac vice* admission).

As set forth in her Declaration submitted herewith (Apple 1019), Ms. Drummond Hansen is an experienced litigator. She is a Counsel with O'Melveny & Myers LLP with 10 years of experience representing clients in patent and technology related litigation, including matters involving similar technology to that at issue in this proceeding. Ms. Drummond Hansen has litigated patent matters through trial and appeal in courts across the country.

Ms. Drummond Hansen is also familiar with the subject matter of this proceeding. She is counsel for Petitioner in the related district court litigation on the patent at issue in this *inter partes* review, U.S. Patent No. 7,900,229 (“’229 Patent”). She has reviewed and analyzed the ’229 Patent, the patent holder’s infringement contentions, and the prior art at issue in this proceeding. Ms. Drummond Hansen participated in the preparation of Petitioner’s invalidity contentions in the district court litigation, which include the same reference for the ground instituted in this proceeding. She advised Petitioner on strategy regarding Petitioner’s arguments in this IPR, reviewed the accompanying Declaration of Dr. Knutson, and worked with Petitioner to find and identify the references relied upon in the petition and to draft submissions to the Office. She also was involved in the claim construction briefing for the ’229 Patent in the district court litigation.

Based on her work in the co-pending district court litigation, involvement with the petition in this proceeding, and the other facts detailed in his declaration, Ms. Drummond Hansen has significant familiarity with the subject matter in this proceeding. Petitioner wishes to apply Ms. Drummond Hansen's knowledge of the patent and litigation experience by employing her as counsel in this proceeding. Admission of Ms. Drummond Hansen *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work in this proceeding and between it and the co-pending litigation. Because Ms. Drummond Hansen is an experienced practitioner with an established familiarity with the subject matter of this proceeding, Petitioner respectfully submits that there is good cause under 37 C.F.R. § 42.10(c) to recognize Ms. Drummond Hansen as counsel *pro hac vice* during this proceeding.

#### **IV. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR**

This motion for *Pro Hac Vice* Admission is supported by the accompanying Declaration of Melody Drummond Hansen (Apple 1020), as required by *Unified Patents*, Case IPR2013-00639, Paper 7.

October 26, 2015

Respectfully submitted,

/s/ Xin-Yi Zhou  
Xin-Yi Zhou (Reg. No. 63,366)

**LIST OF EXHIBITS**

Apple 1001 .....	U.S. Patent No. 7,900,229 (“the ’229 Patent”)
Apple 1002 .....	Excerpts from File History for U.S. Patent Application No. 10/271,801, which ultimately issued as U.S. Patent No. 7,900,229
Apple 1003 .....	European Patent Application No. 00124464.9, Publication No. EP 11 00268 A2 to Tomioka (“Tomioka”)
Apple 1004 .....	Excerpts from Jochen Schiller, Mobile Communications (2000) (“Schiller”)
Apple 1005 .....	Certified English Translation of Japanese Unexamined Patent Application Publication H11-7453 to Kotani, and Japanese language reference (“Kotani”)
Apple 1006 .....	U.S. Patent No. 7,305,691 (“Cristofalo”)
Apple 1007 .....	U.S. Patent Application Publication No. 2002/0111154 (“Eldering”)
Apple 1008 .....	U.S. Patent Application Publication No. 2002/0111172 (“DeWolf”)
Apple 1009 .....	U.S. Patent No. 5,861,881 (“Freeman”)
Apple 1010 .....	Excerpts from Gerard O’Driscoll, The Essential Guide to Set-Top Boxes and Interactive TV (2000) (“O’Driscoll”)
Apple 1011 .....	Andrew Tokmakoff and Harry van Vliet, “Home Media Server Content Management,” Internet Multimedia Management Systems II, Proceedings of

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