

Filed on behalf of: Apple Inc.

Entered: May 12, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., MOTOROLA MOBILITY LLC, and
TOSHIBA AMERICA INFORMATION SYSTEMS, INC.,
Petitioner

v.

GLOBAL TOUCH SOLUTIONS, LLC,
Patent Owner

Case IPR2015-01173
U.S. Patent No. 7,329,970 B2

Before JUSTIN BUSCH, LYNN E. PETTIGREW, and
BETH Z. SHAW, *Administrative Patent Judges*.

**PETITIONER APPLE INC.'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF JAMES R. BENDER
UNDER 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED

Under 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5), Petitioner Apple Inc. (“Petitioner”) respectfully requests the *pro hac vice* admission of attorney James R. Bender, Esq. in this proceeding. Petitioner has conferred with counsel for Global Touch Solutions, LLC (“Patent Owner”), and Patent Owner does not oppose this motion.

II. LEGAL STANDARD

Under 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.

The Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5) further instructs:

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the

“Order -- Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

(*Id.* at 2.) The above referenced “Order - - Authorizing Motion for *Pro Hac Vice* Admission” further provides:

A motion for *pro hac vice* admission must:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
- b. 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 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 (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

(IPR2013-00639, Paper No. 7 at 3.) As set forth below, and in the accompanying Declaration of James R. Bender (Ex. 1034, “Bender Decl.”), each of these requirements is satisfied here.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE JAMES R. BENDER *PRO HAC VICE* IN THIS PROCEEDING

Mr. Bender is a member in good standing of the District of Columbia Bar (Bar No. 1004382) and admitted to practice before the U.S. District Court for the Eastern District of Texas and the U.S. Court of Appeals for the Federal Circuit. (Bender Decl. ¶ 2.) Mr. Bender has never been suspended or disbarred from practice before any court or administrative body. (*Id.* ¶ 3.) No application of Mr. Bender for admission to practice before any court or administrative body has ever been denied. (*Id.*) Nor has any court or administrative body imposed sanctions or contempt citations against Mr. Bender. (*Id.*) Mr. Bender has read, fully

understands, 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 the C.F.R. (*Id.* ¶ 4.) Mr. Bender acknowledges and agrees 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.*)

Petitioner's lead counsel in this proceeding, Robert Steinberg, is a registered practitioner (Reg. No. 33,144). Moreover, as set forth below (and in his accompanying declaration), Mr. Bender is both an experienced and technically-trained litigation attorney with an established familiarity with the subject matter at issue in this proceeding.

Mr. Bender received a Bachelor of Science degree in Electrical Engineering and Computer Science from the University of California, Berkeley in 2002. (*Id.* ¶ 5.) Mr. Bender earned a law degree from Columbia University School of Law in 2010, where he was a James Kent Scholar. (*Id.*) Mr. Bender joined Latham & Watkins LLP ("Latham") as an associate in 2010. (*Id.*) Mr. Bender worked as an associate at Latham until 2013, when he left Latham to work as a judicial law clerk for the Honorable Todd M. Hughes of the U.S. Court of Appeals for the Federal Circuit. (*Id.*) Mr. Bender completed his clerkship in 2014 and rejoined Latham thereafter. (*Id.*)

Mr. Bender is currently a member of Latham's intellectual property group,

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