

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LAM RESEARCH CORP.,
Petitioner,

v.

DANIEL L. FLAMM,
Patent Owner.

Case IPR2015-01764
Patent No. RE 40,264 E

**LAM RESEARCH CORPORATION'S UNOPPOSED MOTION FOR
ADMISSION *PRO HAC VICE* OF MORGAN CHU
UNDER 37 C.F.R. § 42.10**

Mail Stop: PATENT BOARD
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U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the Board's "Notice of Filing Date Accorded to the Petition and Time for Filing Patent Owner's Preliminary Response" entered August 27, 2015, Paper 3, granting authorization to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Patent Owner Lam Research Corporation requests that the Board admit Morgan Chu *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS

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 facts, supported by the Declaration of Morgan Chu in Support of Motion for Admission *Pro Hac Vice* ("Chu Decl.", Ex. 1013), establish good cause to admit Morgan Chu *pro hac vice* in this proceeding.

1. Lead counsel Michael R. Fleming is a registered practitioner and is experienced in *inter partes* proceedings before the USPTO.

2. Backup counsel Samuel Lu is a registered practitioner and experienced in *inter partes* proceedings before the USPTO.

3. Morgan Chu is an experienced litigating attorney. Mr. Chu has extensive experience in patent law and has been litigating patent cases for nearly forty (40) years. Chu Decl. ¶ 9. Mr. Chu is a member in good standing of the California State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations. Mr. Chu is also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Federal, Second, Fifth, Ninth, and Eleventh Circuits, and the United States District Courts for the Central District of California, Northern District of California, Southern District of California, Eastern District of California, United States District Court for District of Colorado, United States District Court for the Western District of Wisconsin, and United States District Court for the Eastern District of Texas.

4. Mr. Chu has familiarity with the subject matter at issue in this proceeding.

5. Mr. Chu has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in Title 42 of

the C.F.R., and he agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

6. Mr. Chu has appeared *pro hac vice* before the United States Patent and Trademark Office in IPR2013-00004, IPR2013-00007, IPR2014-00727, IPR2014-01510, IPR 2014-01511, IPR2014-01513, and IPR2015-01719.

III. ANALYSIS

The facts contained in the Statement of Facts above, and contained in the Chu Declaration, establish that there is good cause to admit Morgan Chu *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Lead and backup counsel are registered practitioners, Mr. Chu is an experienced litigating attorney, and Mr. Chu has an established familiarity with the subject matter at issue in the proceeding.

IV. NO OPPOSITION TO THIS MOTION

Petitioner has confirmed with Patent Owner that Petitioner does not oppose the present motion.

V. CONCLUSION

For the foregoing reasons, Lam Research Corporation respectfully requests that the Board admit Morgan Chu *pro hac vice* in this proceeding.

Case IPR2015-01764
Patent No. RE 40,264 E

Dated: May 9, 2016

Respectfully submitted,

By: /Michael R. Fleming/
Michael R. Fleming

Michael R. Fleming (Reg. No. 67,633)
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Morgan Chu (*Pro hac vice* to be requested)
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