

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HIGH 5 GAMES, LLC
Petitioner,

v.

KONAMI GAMING, INC.
Patent Owner.

Case No. IPR2015-01935
Patent No. 8,096,869

**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION**

UNDER 37 C.F.R. § 42.10(c)

I. RELIEF REQUESTED

Petitioner respectfully requests that the Board recognize Christopher B. Hadley as counsel *pro hac vice* during this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

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 Board has stated that motions 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, Paper No. 7 (“Unified Patents Order”). In accordance with the Unified Patents Order and the Order Authorizing Motion for *Pro Hac Vice* in this proceeding (Paper No. 4), this motion is being filed no sooner than twenty-one (21) days after service of the petition.

The Unified Patents Order requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro*

hac vice during the proceeding;” and (2) “[b]e 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 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

As required by the Order Authorizing Motion for *Pro Hac Vice* (Paper No. 4), the following statement of facts show that there is good cause for the Board to recognize Mr. Hadley *pro hac vice*. These facts, supported by the attached Declaration

of Christopher B. Hadley in Support of Motion for *Pro Hac Vice* Admission (Exhibit 1 (“Hadley Decl.”)), establish the required good cause.

1. Petitioners’ lead counsel, Robert C. Ryan, is a registered practitioner (Reg. No. 29,343), has been actively practicing before the USPTO since achieving registration in 1979, and has had substantial participating roles in more than twenty USPTO appeals and reexamination proceedings. (Exhibit 2 (“Ryan Decl.”) at ¶¶ 1-2). While Mr. Ryan is the lead attorney for Petitioner in this matter, Mr. Hadley has been intimately involved in preparing the Petition and its supporting documents, and Mr. Ryan plans on having Mr. Hadley similarly involved going forward in this matter. (*Id.* at ¶ 3). It would be helpful to have Mr. Hadley admitted in this matter and available to communicate with the Board and USPTO regarding this matter. (*Id.* at ¶ 4).

2. Mr. Hadley is an experienced litigation attorney. Mr. Hadley has been a litigating attorney for 6 years and a litigation law clerk for nearly 3 years before admission to a bar. (Hadley Decl. at ¶ 1). During that time, Mr. Hadley has been principally litigating patent cases. (*Id.*) Mr. Hadley has litigated or participated in patent cases involving a wide range of technologies from software and semiconductors to medical devices and firearms before the various federal district courts, the International Trade Commission and the U.S. Court of Appeals for the Federal Circuit. (*Id.*).

3. Mr. Hadley is a member in good standing of the State Bar of Utah, as well as the Commonwealth of Massachusetts, the U.S. District Court for the Commonwealth of Massachusetts, and the U.S. District Court for the Central District of Utah. (*Id.* at ¶ 2).

4. Mr. Hadley has not been suspended or disbarred from practice before any court or administrative body. (*Id.* at ¶ 3).

5. Mr. Hadley has never had an application for admission to practice before any court or administrative body denied. (*Id.* at ¶ 4).

6. No sanctions or contempt citations have been imposed against Mr. Hadley by any court or administrative body, and no such motions or requests have ever been sought against Mr. Hadley. (*Id.* at ¶ 5).

7. Mr. Hadley 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. (*Id.* at ¶ 6).

8. Mr. Hadley has read and understands that he is subject to the USPTO Rules of Professional Conduct set forth in in 37 C.F.R. §§ 11.101 *et. seq.*, and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.* at ¶ 7).

9. Mr. Hadley has applied to appear *pro hac vice* before the Office in Case IPR2015-01112, *AGS, LLC, IN BET GAMING, INC. and IN BET, LLC, v. GALAXY GAMING, INC.* This case was instituted on November 6, 2015. Mr.

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