

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COSTCO WHOLESALE CORPORATION,
Petitioner,

v.

ROBERT BOSCH LLC,
Patent Owner.

CASE NO. IPR2016-00038
U.S. Patent No. 6,292,974

**MOTION FOR *PRO HAC VICE* ADMISSION
OF JOSEPH PURCELL PURSUANT TO 37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Robert Bosch LLC respectfully requests that the Board admit Joseph Purcell *pro hac vice* as back-up counsel in this proceeding.

I. Statement of Facts Showing There is a Good Cause for the Board to Admit Counsel *Pro Hac Vice*

“The Board may recognize counsel *pro hac vice* in 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.” 37 C.F.R. § 42.10(c). “[W]here 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.* The facts here establish good cause for the Board to admit Joseph Purcell *pro hac vice* during this proceeding, so that he may participate in, *inter alia*, oral hearings, depositions, and conferences with the Board.

1. Lead Counsel, Patrick R. Colsher, is a registered practitioner.
2. As set forth in the accompanying Declaration of Joseph Purcell in Support of Patent Owner’s Motion for Admission *Pro Hac Vice*, Exhibit 2027, (“Purcell Decl.”), Mr. Purcell is admitted to practice law in New York, and in the United States Court of Appeals for the Federal Circuit. Purcell Decl., ¶ 3.

3. Mr. Purcell has not been suspended or disbarred from practice before any court or administrative body; denied admission to practice before any court or administrative body; or sanctioned or cited for contempt by any court or administrative body. Purcell Decl., ¶¶ 6–8.

4. Mr. Purcell is an experienced litigating attorney with a focus on patent infringement proceedings. Purcell Decl., ¶ 4.

5. Mr. Purcell has an established familiarity with the subject matter at issue in this proceeding. He has been involved as an attorney on behalf of Patent Owner in the ongoing district court and *inter partes* review proceedings involving the patent-at-issue in this IPR proceeding. During the course of his involvement, he has spent a substantial amount of time becoming familiar with the patent-at-issue in this proceeding, as well as the patents in related *inter partes* review proceedings, including the underlying wiper blade technology and pertinent prior art. This experience provides Mr. Purcell with an established familiarity with the subject matter at issue in the current proceeding. Purcell Decl., ¶ 5.

6. Mr. Purcell has attested that he 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.; and will be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the

USPTO Rules of Professional Conduct as set forth in Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013) (effective May 3, 2013). Purcell Decl., ¶¶ 9–10.

7. Mr. Purcell is also applying to appear *pro hac vice* in the following *inter partes* review proceedings between Petition and Patent Owner: IPR2016-00034, IPR2016-00036, IPR2016-00039, IPR2016-00040, and IPR2016-00041. In the past three years, he has not applied for or been admitted *pro hac vice* in any other *inter partes* review proceedings. Purcell Decl., ¶ 11.

II. Conclusion

The requirement for admission *pro hac vice* being hereby established, Patent Owner respectfully requests that the Board admit Joseph Purcell *pro hac vice* as backup counsel in this proceeding.

Dated: November 28, 2016

Respectfully Submitted,

/Patrick R. Colsher/
Patrick R. Colsher
Reg. No. 74,955
Shearman & Sterling LLP
599 Lexington Ave
New York, NY 10022

Lead Counsel for Patent Owner
Robert Bosch LLC

Certificate of Service

The undersigned hereby certifies that the foregoing Patent Owner's Motion for Admission *pro hac vice* of Joseph Purcell and Exhibit 2027 were served via electronic mail on November 28, 2016, on the following counsel for Petitioner:

Richard M. Koehl (richard.koehl@hugheshubbard.com)
James R. Klaiber (james.klaiber@hugheshubbard.com)
David E. Lansky (david.lansky@hugheshubbard.com)
Stefanie Lopatkin (stefanie.lopatkin@hugheshubbard.com)

/Patrick R. Colsher/
Patrick R. Colsher
599 Lexington Ave
New York, NY 10022
Tel: (212) 848-4000

*Lead Counsel for Patent Owner
Robert Bosch LLC*