

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAID TECHNOLOGIES INC.
Petitioner

v.

YODLEE, INC.
Patent Owner

Case IPR2016-00273
Patent 6,317,783

**PATENT OWNER'S
MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10(c)**

EXHIBIT LIST

Exhibit No.	Description
2001	ESPN Insider: Benefits, WayBackMachine, June 22, 2001
2002	Declaration of David Barkan in Support of Motion for <i>Pro Hac Vice</i> Admission

Pursuant to 37 C.F.R. § 42.10(c), the Patent Owner (“Yodlee, Inc”) respectfully requests that the Board recognize David Barkan as counsel *pro hac vice* in this proceeding. Patent Owner seeks the counsel of David Barkan due to his many years of experience in representing Yodlee, Inc. in other patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding, which he gained in the course of litigating three cases involving the patent-at-issue in federal district court. 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 December 11, 2015.

Statement of Facts

Mr. Barkan is a patent litigation attorney with experience representing clients in patent cases spanning a broad range of computer and network technologies, including computer graphics, programming theory and language, networking protocols and security, semiconductor processing, analog and digital semiconductor devices, distributed systems, and storage devices. Mr. Barkan has tried intellectual property cases before judges and juries in US district courts, in the US International Trade Commission, and in arbitration proceedings. Through his practice in such cases, Mr. Barkan has gained substantial experience in jury trials, bench trials, discovery, Markman hearings, and appeals. Mr. Barkan began his

legal career considering patent cases as a clerk for the Honorable Judge Fern Smith on the United States District Court for the Northern District of California from 1992 to 1993. Prior to that, Mr. Barkan wrote software for a small start-up firm in Cambridge, Massachusetts. Additionally, Mr. Barkan served as Fish & Richardson's Nationwide Head of Litigation from 2001 through 2006. Patent Owner Yodlee, Inc. submits as evidence Exhibit A, David M. Barkan's biography.

David M. Barkan also has particular experience and familiarity with the substantive and technical issues involved in this inter partes review proceeding. Mr. Barkan has served as lead counsel for Yodlee, Inc. in a number of previous matters, including three involving the patent-at-issue in this proceeding. The most recent of these matters involving U.S. Patent No. 6,317,783, *Yodlee, Inc. v. Plaid Technologies Inc.*, USDC-District of Delaware - Case No 14-1445-LPS-CJB, is still pending. Yodlee, Inc. has invested significant financial resources in each of the related matters in which Mr. Barkan served as lead counsel. Moreover, through his representation in these matters, Yodlee, Inc. has developed a cordial and trusting relationship with Mr. Barkan and understandably wishes to continue to work with Mr. Barkan for the purpose of this proceeding.

1. Affidavit of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of David Barkan as required by the Order Authorizing Motion for *Pro Hac Vice* mailed December 11, 2015.

Accordingly, Patent Owner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize David Barkan as counsel *Pro Hac Vice* during this proceeding.

Respectfully submitted,

Date: April 7, 2016

/David M. Hoffman/

David M. Hoffman
Reg. No. 54,174

Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
T: (512) 226-8154
F: (512) 320-8935
Email: IPR12233-0047IP1@fr.com

Counsel for Patent Owner
Yodlee, Inc.

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