

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAID TECHNOLOGIES INC.
Petitioner

v.

YODLEE, INC. and YODLEE.COM, INC.
Patent Owners

Case IPR2016-00275
Patent 6,199,077

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

EXHIBIT LIST

Exhibit No.	Description
2001	157 Cong. Rec. S5429 (daily ed. Sept. 8, 2011) (statement of Sen. Kyl)
2002	ESPN Insider: Benefits, WayBackMachine, June 22, 2001
2003	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 Owners (“Yodlee, Inc. and Yodlee.com, Inc.”) respectfully request that the Board recognize David Barkan as counsel *pro hac vice* in this proceeding. Patent Owners seek 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 two 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 Owners Yodlee, Inc. and Yodlee.com, Inc. submit 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 two involving the patent-at-issue in this proceeding. The most recent of these matters involving U.S. Patent No. 6,199,077, *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 Owners submit 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: IPR12233-0046IP1@fr.com

Counsel for Patent Owners
Yodlee, Inc. and Yodlee.com, Inc.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.