

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION and  
PROTECTION ONE, INC.,

Petitioner

v.

MD SECURITY SOLUTIONS LLC

Patent Owner

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IPR2016-00285<sup>1</sup>  
Patent 7,864,983

Before SALLY C. MEDLEY, KARL D. EASTHOM, and WILLIAM M. FINK,  
*Administrative Patent Judges.*

FINK, *Administrative Patent Judge.*

**MOTION FOR *PRO HAC VICE* ADMISSION OF  
DANIEL J. WEINBERG PURSUANT TO 37 C.F.R. § 42.10**

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<sup>1</sup> Protection One, Inc., who filed a Petition in IPR2016-01235, has been joined as a party to the petitioner in this proceeding.

Patent Owner MD Security Solutions LLC (“MD Security”), respectfully requests the Board to recognize Daniel J. Weinberg as counsel *pro hac vice* during this proceeding. Pursuant to 37 C.F.R. § 42.10 and in response to the authorization provided by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“Board”) in the Notice of Filing Date Accorded to Petition (Paper Number 4, entered December 15, 2015) (“Notice”), MD Security submits this motion for Mr. Weinberg to appear *pro hac vice*.

I. *Time for Filing*

Pursuant to the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639<sup>2</sup> (“Order”), this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

II. *Good Cause for Additional Back-Up Counsel*

MD Security respectfully requests admission of Mr. Weinberg as additional back-up counsel. MD Security has a sufficient need for the admission of additional back-up counsel in light of lead counsel’s unavailability and scheduled appearance in another court. In addition to this proceeding, the Board instituted an *inter partes* review of a second MD Security patent in IPR2016-01235. This

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<sup>2</sup> Patent Owner notes that while the Notice references the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00010 (MPT), the Order in Case IPR2013-00639 states that the Final Rule regarding Changes to Representation of Others Before the United States Patent and Trademark Office removes part 10 of title 37, C.F.R. referred to in the Order in Case IPR2013-00010 (MPT). Accordingly, for purpose of this proceeding, Patent Owner will refer to the Order in Case IPR2013-00639.

request is accompanied by the attached Power of Attorney.

### III. *Statement of Facts*

Pursuant to the Order, the following statement of facts, supported by the attached Declaration of Mr. Weinberg shows that there is good cause for the Board to recognize Mr. Weinberg *pro hac vice*.

Lead counsel for this proceeding, Jason S. Angell, is a registered practitioner (Reg. No. 51408).

Mr. Weinberg is an experienced litigation attorney, and has served as counsel in numerous complex cases and patent infringement litigations in various district courts. Mr. Weinberg has not been suspended or disbarred from practice, and he has not had any application for admission to practice denied, or had any sanctions or contempt citations imposed against him. Mr. Weinberg is an active member in good standing of the California Bar and is admitted to practice before the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Federal Circuit, the U.S. District Court for the Northern District of California, the United States District Court for the Central District of California, and the U.S. District Court for the Western District of Tennessee. Mr. Weinberg's mailing address is Freitas Angell & Weinberg LLP, 350 Marine Parkway, Suite 200, Redwood Shores, California 94065, his email address is [dweinberg@fawlaw.com](mailto:dweinberg@fawlaw.com), and his direct dial telephone number is (650) 730-5501.

Mr. Weinberg is a member of the litigation team for MD Security in *MD Security Solutions LLC v. Protection 1, Inc.*, No. 6:15-cv-1968-Orl-40GJK, pending in the U.S. District Court for the Middle District of Florida, Orlando Division. That action involves U.S. Patent No. 7,864,983 (“’983 Patent”), the patent at issue in this proceeding. In his role as counsel, Mr. Weinberg is knowledgeable about the ’983 Patent and assertions regarding the invalidity of the ’983 Patent. Further, Mr. Weinberg is familiar with the factual and legal matters at issue in that case. Mr. Weinberg has thus established familiarity with the subject matter at issue in this proceeding.

Mr. Weinberg has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to 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).

In the past three (3) years, Mr. Weinberg has also applied *pro hac vice* before the United States Patent and Trademark Office in the following IPR actions:

<i>Sony Mobile Communications (USA) Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00029
<i>Google Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00031
<i>Google Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00033
<i>Google Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00038

<i>Microsoft Corporation v. B.E. Technology, L.L.C.</i>	IPR2014-00039
<i>Microsoft Corporation v. B.E. Technology, L.L.C.</i>	IPR2014-00040
<i>Samsung Electronics America, Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00044
<i>Facebook, Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00052
<i>Facebook, Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00053
<i>Match.com L.L.C. &amp; People Media, Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00698
<i>Match.com L.L.C. &amp; People Media, Inc. v. B.E. Technology, L.L.C.</i>	IPR2014-00699
<i>Olympus America Inc. and Olympus Medical Systems Corp. v. Perfect Surgical Techniques, Inc.</i>	IPR2014-00233
<i>Olympus America Inc. and Olympus Medical Systems Corp. v. Perfect Surgical Techniques, Inc.</i>	IPR2014-00241
<i>STATS LLC v. Hockeyline, Inc.</i>	IPR2014-00510

Patent Owner has expended significant resources with Mr. Weinberg as counsel, and Patent Owner wishes Mr. Weinberg to represent it in this proceeding.

#### IV. *Affidavit or Declaration of Individual Seeking to Appear*

This motion for *pro hac vice* admission is accompanied by a Declaration of Mr. Weinberg as required by the Order.

#### V. *Conclusion*

The facts contained in the Statement of Facts above, and contained in the Declaration of Mr. Weinberg, establish that there is good cause to admit Mr. Weinberg *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c).

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