

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD
MICRON TECHNOLOGY, INC.; AND
SK HYNIX INC.,
Petitioners,

v.

ELM 3DS INNOVATIONS, LLC
Patent Owner

Case IPR2016-00387
Patent 8,841,778

**UNOPPOSED MOTION FOR PRO HAC VICE ADMISSION OF
MICHAEL C. NEWMAN UNDER 37 C.F.R § 42.10**

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and the Board’s “Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response,” entered in this matter, which authorized the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Patent Owner requests that the Board admit Michael C. Newman *pro hac vice* in this proceeding.

II. Statement of Facts

Pursuant to 37 C.F.R. § 42.10(c), 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. 37 C.F.R. § 42.10(c).

The facts, supported by the attached Declaration of Michael C. Newman in Support of Patent Owner’s Motion for Admission *Pro Hac Vice* (“Newman Decl.”), establish good cause to admit Mr. Newman *pro hac vice* in this proceeding.

Lead counsel Cyrus A. Milton is a registered practitioner before the USPTO. First backup counsel William A. Meunier is a registered practitioner and is

experienced in proceedings before the USPTO. Backup counsel Michael T.

Renaud is also a registered practitioner and is experienced in proceedings before the USPTO.

Mr. Newman is an experienced litigating attorney. He has been a patent litigation attorney for ten years, and is currently a Partner at Mintz Levin Cohn Ferris Glovsky and Popeo PC. (Newman Decl. at ¶ 1.) Mr. Newman is a member in good standing of the Massachusetts State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States District Courts for the District of Massachusetts, the United States Court of Appeals for the Federal Circuit. (*Id.* at ¶¶ 2-5.) His mailing address is at One Financial Center, Boston MA, 02111. His email address is mcnewman@mintz.com, and his direct dial is 617-348-1626.

Mr. Newman is particularly familiar with the subject matter at issue in this proceeding, as well as the parallel litigations involving U.S. Patent No. 8,841,778 filed by Patent Owner in the U.S. District Court for the District of Delaware (Civil Actions Nos. 14-cv-1430-LPS, 14-cv-1431-LPS, 14-cv-1432-LPS). Mr. Newman has extensively reviewed all relevant materials for this matter, including all case pleadings, orders, and notices; U.S. Patent No. 8,841,778; the patent prosecution history; and the Petitioner's asserted prior art. In addition, Mr. Newman has a

thorough understanding of the grounds of unpatentability asserted in the Petition and the challenged claims instituted in this action. (*Id.* at ¶ 10.)

Mr. Newman 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 to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.* at ¶¶ 6-7.)

Mr. Newman applied and was admitted to appear *pro hac vice* in the following proceeding during the past three (3) years: *Samsung Electronics Co., LTD et.al. v. Straight Path IP Group, Inc.* (IPR2014-01366, IPR2014-01367 & IPR2014-01368) and *LG Electronics, Inc. et al. v. Straight Path IP Group, Inc.* (IPR2015-00196; IPR2015-00198; & IPR2015-00209). (*Id.* at ¶ 8.)

For these reasons Patent Owner respectfully requests that the Board admit Michael C. Newman *pro hac vice* in this proceeding.

Dated: September 13, 2016

/William Meunier/

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CERTIFICATE OF SERVICE

I certify that a copy of Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Michael Newman Under 37 C.F.R. § 42.10 and Declaration of Michael C. Newman in support of Unopposed Motion for *Pro Hac Vice* Admission are being served by electronic mail on the following counsel of record:

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