

IPR2016-00422
PATENT NO. 7,489,786

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION
Petitioner

v.

BLITZSAFE TEXAS, LLC
Patent Owner

Patent No. 7,489,786
Issue Date: February 10, 2009
Title: AUDIO DEVICE INTEGRATION SYSTEM

**BLITZSAFE TEXAS, LLC'S MOTION FOR *PRO HAC VICE* ADMISSION
OF ALFRED R. FABRICANT PURSUANT TO 37 C.F.R. § 42.10**

Case No. IPR2016-00422

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10 and Patent Owner's Request for Authorization to file for *Pro Hac Vice* admission filed concurrently herewith and dated January 20, 2016, Patent Owner, Blitzsafe Texas, LLC, requests that the Board admit Alfred R. Fabricant *pro hac vice* in this proceeding.¹

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL PRO HAC VICE DURING THE PROCEEDING

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon 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) states that, "where lead counsel is a registered practitioner, a motion to appear *pro hac vice* 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." The facts here

¹ Patent Owner notes that it filed a motion for *pro hac vice* admission of Mr. Fabricant in another co-pending *inter partes* review proceeding, IPR2016-00118, where the motion is currently pending. Patent Owner also notes that it is simultaneously filing motions for *pro hac vice* admission of Mr. Fabricant in three other related *inter partes* review proceedings: IPR2016-00418, -00419, and -00421.

establish good cause for the Board to recognize Alfred R. Fabricant *pro hac vice* during this proceeding:

1. Lead counsel, Peter Lambrianakos, is a registered practitioner.
2. Counsel, Alfred R. Fabricant, is an experienced patent litigator and has an established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion is the Declaration of Alfred R. Fabricant in Support of this Motion for Admission *Pro Hac Vice* of Alfred R. Fabricant (“Fabricant Decl.”). In his declaration, Mr. Fabricant attests that he is a member in good standing of the Bar of the States of New York and Arizona, and is also admitted to practice in the United States District Courts for the Southern District of New York, the Eastern District of New York, the District of Arizona, and the Eastern District of Texas; the United States Courts of Appeal for the Federal Circuit, the Second Circuit, and the Fourth Circuit; and the United States Supreme Court. Fabricant Decl. ¶2.

3. Mr. Fabricant is an experienced litigating attorney. More specifically, he has over 20 years of patent litigation experience. Fabricant Decl. ¶1. Mr. Fabricant has been a first-chair litigator in over 30 patent infringement cases. Fabricant Decl. ¶1.

4. Mr. Fabricant also attests that he is familiar with the subject matter and patent at issue in this proceeding. He is lead counsel for Blitzsafe Texas, LLC

in five related matters asserting claims for infringement of the patent at issue in this proceeding. Those matters are *Blitzsafe Texas, LLC v. Hyundai Motor Company et al.*, No. 15-cv-01275-JRG (E.D. Tex.); *Blitzsafe Texas, LLC v. Honda Motor Co., Ltd. et al.*, No. 15-cv-01274-JRG (E.D. Tex.); *Blitzsafe Texas, LLC v. Volkswagen Group of America, Inc. et al.*, No. 15-cv-01278-JRG (E.D. Tex.); *Blitzsafe Texas, LLC v. Nissan Motor Co., Ltd. et al.*, No. 15-cv-01276-JRG (E.D. Tex.); and *Blitzsafe Texas, LLC v. Toyota Motor Corporation et al.*, No. 15-cv-01277-JRG (E.D. Tex.). Fabricant Decl. ¶8.

5. Mr. Fabricant attests to each of the *pro hac vice* declaration requirements listed in the Board's Order in Case No. IPR2013-00639 (Paper 7). Fabricant Decl., ¶¶ 1–9.

6. Mr. Fabricant has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R. Fabricant Decl., ¶ 5.

7. Mr. Fabricant 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) and to be subject to 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). Fabricant Decl., ¶ 6.

III. CONCLUSION

The requirements for admission pro hac vice being hereby established, Patent Owner respectfully requests that the Board admit Alfred R. Fabricant *pro hac vice* as back-up counsel in this proceeding.

Respectfully submitted,

Dated January 21, 2016

/Peter Lambrianakos /
Lead Counsel for Petitioner

Peter Lambrianakos (Reg. No. 58,279)
Lead Counsel for Petitioner
Brown Rudnick LLP
7 Times Square
New York, NY 10036
Tel: 212-209-4800
Fax: 212-209-4801
Email: plambrianakos@brownrudnick.com

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.