

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION, HTC AMERICA, INC., and APPLE INC.,
Petitioners,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Case IPR2016-00923¹
Patent 5,812,789

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

¹ Case IPR2016-00847 has been joined with this proceeding.

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to the Board's "Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response," dated April 22, 2016 (Paper No. 4), authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Patent Owner Parthenon Unified Memory Architecture LLC, respectfully requests that the Board allow Michael McBride to appear *pro hac vice* on its behalf in this proceeding. Petitioner consents to this motion.

II. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth in the Statement of Material Facts below, and as required by 37 C.F.R. § 42.10(c), Patent Owner has demonstrated good cause to admit Mr. McBride *pro hac vice* in this proceeding. In particular, Patent Owner's lead counsel is a registered practitioner, and Mr. McBride is an experienced litigating attorney having an established familiarity with the subject matter at issue in this proceeding.

Furthermore, this motion is being filed more than twenty one days after service of the petition; includes a statement of facts showing good cause for the Board to recognize Mr. McBride *pro hac vice*; and is being filed concurrently with Exhibit 2002, the Declaration of Michael McBride in Support of Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Michael McBride Under 37 C.F.R. § 42.10(c) ("McBride Decl."), all in accordance with the "Order Authorizing Motion for *Pro Hac Vice* Admission" in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639,

III. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. § 42.10(c) provides that “[t]he 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 the issue in the proceeding.”

2. Masood Anjom, lead counsel for Patent Owner Parthenon Unified Memory Architecture LLC in this proceeding, is a registered practitioner holding Registration No. 62,167.

3. As set forth in the McBride Decl., Mr. McBride is an experienced litigating attorney, and has been invoiced in numerous litigations involving patent infringement in District Courts across the country. He has experience in Markman hearings in patent infringement matters. Mr. McBride’s biography is attached hereto as Exhibit 2002.

4. U.S. Patent No. 5,812,789 (“the ‘789 Patent”) is currently asserted in co-pending litigations in the U.S. District Court for the Eastern District of

Texas against Petitioners HTC Corporation and HTC America, Inc.: *Parthenon Unified Memory Architecture LLC v. HTC Corp. et al.*, No. 2:14-cv-00690-RSP (E.D. Tex.) filed June 12, 2014; and against Petitioner Apple, Inc.: *Parthenon Unified Memory Architecture LLC v. Apple, Inc.*, No. 2:15-cv-00621-JRG-RSP (E.D. Tex) filed May 1, 2015. Mr. McBride is counsel for Parthenon Unified Memory Architecture, LLC in the co-pending litigation and, as such, has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation Mr. McBride argued the Markman hearings, reviewed prior art references and claim charts for invalidity contentions, and was heavily involved in forming claim construction positions and drafting claim construction briefs, all of which are relied upon in the petition requesting inter parties review of U.S. Patent No. 5,812,789. Patent Owner has expended significant financial resources in the co-pending litigations with Mr. McBride as counsel, and Patent Owner wishes to continue using Mr. McBride as counsel in this proceeding. Additionally, Mr. McBride has thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding. (*Id.*).

5. Mr. McBride has attested to each of the requirements set forth in paragraph 2(b)(i)-(viii) of the “Order Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7 at 3. (McBride Decl., ¶¶ 2-9)

IV. CONCLUSION

In view of the foregoing, Patent Owner respectfully submits that the requirements of 37 C.F.R. § 42.10(c) have been satisfied, and requests an Order permitting Michael McBride to appear *pro hac vice* on its behalf in this proceeding.

Dated: October 27, 2016

Respectfully Submitted,

By: /s/ Masood Anjom
Masood Anjom
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Attorney for Patent Owner
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