

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE,  
Patent Owner

Patent No. 5,812,789

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*Inter Partes* Review No. IPR2016-00923

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**PETITIONER HTC'S MOTION FOR ADMISSION *PRO HAC VICE* OF  
CURT HOLBREICH PURSUANT TO 37 C.F.R. § 42.10(c)**

Petitioners HTC Corporation and HTC America, Inc. (collectively, "HTC") respectfully request the Board recognize Curt Holbreich, Esq. as counsel *pro hac vice* during this proceeding.<sup>1</sup> HTC has conferred with Petitioner Apple and Patent Owner, neither of which oppose this motion.

## I. BACKGROUND

HTC's Motion for Admission *Pro Hac Vice* is being filed pursuant to and in compliance with the Notice of Filing Date Accorded to Petition and Notice For Setting The Time Period For Filing Patent Owner Preliminary Response for this Petition, which was mailed April 22, 2016 (Paper 4) (the "Notice"). The Notice authorizes the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Further to the Notice, such "motions shall be filed in accordance with the 'Order – Authorizing Motion for *Pro Hac Vice* Admission' in Case IPR2013-00639, Paper 7" (the "Order").

## II. TIME OF FILING

This Motion is being filed in accordance with the Notice authorizing the immediate filing of the Motion for *Pro Hac Vice* admission.

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<sup>1</sup> A corresponding motion for *Pro Hac Vice* admission is being concurrently filed in co-pending *Inter Partes* Review Case No. IPR2016-00924.

### III. STATEMENT OF FACTS

As required by the Order, the following statement of facts, supported by the attached Declaration of Curt Holbreich in Support of Motion for *Pro Hac Vice* Admission (“Holbreich Decl.”) (Ex. 1041), shows that there is good cause for the Patent Trial and Appeal Board (“Board”) to recognize Mr. Holbreich *pro hac vice* in this proceeding.

Lead counsel for HTC, Joseph A. Micallef, is a registered practitioner and is experienced in proceedings before the USPTO.

Mr. Holbreich is an experienced litigation attorney. Mr. Holbreich has been a litigating attorney for more than twenty years, and has been involved in numerous patent litigation cases in federal courts and before the International Trade Commission. Mr. Holbreich’s experience includes representing a wide range of clients in complex intellectual property litigation, and he is currently counsel for HTC in the related district court litigation involving the 789 Patent. Mr. Holbreich is a member in good standing of the California 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 Courts of Appeals for the Federal Circuit, Second Circuit, and Ninth Circuit, as well as the United States District Courts for the Eastern District of California, Northern District of California, Southern District of

California, District of Colorado, and the Eastern District of Texas. His mailing address is at Sidley Austin LLP, 555 California Street Suite 2000, San Francisco, CA 94104, his email address is cholbreich@sidley.com, and his direct dial is (415) 772-7446.

Mr. Holbreich has worked with lead counsel in all aspects of HTC's participation in this proceeding. As such, he has reviewed and is familiar with (i) the 789 patent, (ii) the prior art relied upon, and (iii) the legal and factual arguments at issue. Mr. Holbreich has also been involved in a number of other proceedings before the Board and is familiar with its established practices. Accordingly, he has established familiarity with the subject matter at issue in this proceeding and the conduct of the proceeding to date.

Mr. Holbreich 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 37 C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.P.R. §§11.01 *et seq.*, and to disciplinary jurisdiction under 37 C.P.R. §11.19(a). Mr. Holbreich has not applied to appear *pro hac vice* in any other proceedings before the Office in the last three years.

#### **IV. ANALYSIS**

The facts contained in the Statement of Facts above, and contained in the Holbreich Declaration (Ex. 1041), establish that there is good cause to admit Mr.

Holbreich *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). HTC's lead counsel is a registered practitioner, Mr. Holbreich is an experienced litigating attorney, and Mr. Holbreich has an established familiarity with the subject matter at issue in the proceeding. Therefore, HTC respectfully submits that there is good cause for the Board to recognize Mr. Holbreich as *pro hac vice* counsel during this proceeding.

## V. CONCLUSION

For these reasons, HTC respectfully submits there is good cause for the Board to recognize Mr. Holbreich as counsel *pro hac vice* during this proceeding.

Dated: November 14, 2016

Respectfully submitted,

/Joseph Micallef/

Joseph A. Micallef

Reg. No. 39,772

Sidley Austin LLP

1501 K Street, N.W.

Washington, D.C. 20005

(202) 736-8914

*Attorney for Petitioner*

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