

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioners,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Case IPR No.: IPR2016-01135
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)**

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 June 11, 2016 (Paper No. 3), 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 2009, 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 involved 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 2009.

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 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: January 12, 2017

Respectfully Submitted,

By: /s/ Masood Anjom
Masood Anjom
Reg. No. 62,167
Attorney for Patent Owner
Parthenon Unified Memory
Architecture, LLC

**AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.**
1221 McKinney Street, Suite 2500
Houston, TX 77010
Telephone: 713-655-1101

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.