

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner

v.

WINDY CITY INNOVATIONS, LLC,
Patent Owner

Case No. IPR2016-01155
U.S. Patent No. 8,694,657

**PETITIONER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC*
VICE OF JOHN W. McBRIDE PURSUANT TO 37 C.F.R. § 42.10(c)**

Petitioner, Microsoft Corporation (“Microsoft”) respectfully requests that the Board recognize John W. McBride, Esq. as *pro hac vice* counsel for this proceeding. Patent Owner has indicated that it does not oppose.

I. BACKGROUND

Microsoft’s Unopposed Motion for *Pro Hac Vice* Admission is being filed pursuant to and in compliance with the Notice of Filing Date Accorded to Petition and Time Period for Filing Patent Owner Preliminary Response, which was filed June 13, 2016 (Paper 3) (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 Unopposed Motion for *Pro Hac Vice* admission is being filed in accordance with the Notice Authorizing the Filing of a Motion for *Pro Hac Vice* admission, and is filed greater than 21 days after that Notice.

III. STATEMENT OF FACTS

As required by the Order, the following statement of facts, supported by the attached Declaration of John W. McBride in Support of Motion for *Pro Hac Vice* Admission (Ex. 1049), shows that there is good cause for the Patent Trial and

Appeal Board (“Board”) to recognize Mr. McBride *pro hac vice* in this proceeding. As required by 37 C.F.R. § 42.10(c), lead counsel, Joseph Micallef, is a registered practitioner experienced in proceedings before the USPTO.

Mr. McBride is an experienced litigation attorney. Mr. McBride has been a litigating attorney for more than nine years, and has been involved in numerous patent litigation cases in federal courts and matters before the Board. Mr. McBride’s experience includes representing a wide range of clients in complex intellectual property litigation, and he has appeared as counsel for Microsoft in matters before the International Trade Commission, and various District Courts. Mr. McBride is a member in good standing of the Illinois 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 Court of Appeals for the Federal Circuit. His mailing address is at Sidley Austin LLP, 1 South Dearborn Street, Chicago, IL 60603, his email address is jwmcbride@sidley.com, and his direct dial is (312) 853-7014.

Mr. McBride has worked with lead counsel in most aspects of this proceeding. As such, Mr. McBride has reviewed and is very familiar with (i) U.S. Patent No. 8,694,657, the patent at issue in this proceeding, (ii) the prior art relied upon in Microsoft’s Petition, (iii) the legal and factual arguments that

have been addressed by Microsoft, and (iv) the developments in this proceeding since the filing of Microsoft's Petition, as well as the developments in related matters before the Board. Mr. McBride 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 these proceedings and the conduct of these proceedings to date.

Mr. McBride 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.F.R. §§11.01 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a).

Microsoft's Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of John W. McBride (Ex. 1049) as required by the Order.

IV. ANALYSIS

The facts described above and in the McBride Declaration (Ex. 1049), establish that there is good cause to admit Mr. McBride *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Lead counsel is a registered practitioner, Mr. McBride is an experienced litigating attorney, and Mr. McBride has an established familiarity with the subject matter at issue in these proceedings.

V. CONCLUSION

Therefore, Microsoft respectfully submits that there is good cause for the Board to recognize Mr. McBride as *Pro Hac Vice* during these proceedings.

Dated: February 14, 2017

Respectfully submitted,

/s/ Joseph A. Micallef

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