

Filed April 26, 2017

On behalf of:

Voip-Pal, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner

v.

VOIP-PAL.COM, INC.

Patent Owner

Case IPR2016-01198

Patent 9,179,005

**UNOPPOSED MOTION FOR WILLIAM R. ZIMMERMAN TO APPEAR
PRO HAC VICE ON BEHALF OF VOIP-PAL.COM, INC.**

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to the Board's June 18, 2016 Notice of Filing Date (Paper 3) and 37 C.F.R. §§ 42.10(c) and 42.22, Patent Owner Voip-Pal.com, Inc. ("Voip-Pal") hereby moves for an Order allowing William R. Zimmerman of Knobbe, Martens, Olson & Bear, LLP to appear *pro hac vice* on behalf of Voip-Pal in the above-captioned case. Patent Owner Voip-Pal has conferred with Petitioner Apple, Inc. ("Apple"), and Apple does not oppose Voip-Pal's motion to allow Mr. Zimmerman to appear *pro hac vice* in this matter.

II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION

Voip-Pal Exhibit 2051 - Declaration of William R. Zimmerman in Support of Motion to Appear *Pro Hac Vice* on Behalf of Voip-Pal, Inc.

III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth below in the Statement of Material Facts, Voip-Pal has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Mr. Zimmerman *pro hac vice*. In particular, Mr. Zimmerman is an experienced litigating attorney who has represented clients in numerous patent litigation cases in various United States District Courts and the Court of Appeals for the Federal Circuit, including technically and legally complex matters such as will be present in this proceeding. Accordingly, allowing Mr. Zimmerman to appear *pro hac vice* on behalf of Voip-Pal is appropriate in this proceeding.

IV. 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 issue in the proceeding.”

2. Lead counsel in this *inter partes* review proceeding is Kerry S. Taylor. Mr. Taylor is registered to practice before the United States Patent and Trademark Office and holds Registration No. 43,947.

3. As set forth in Voip-Pal Exhibit 2051 (the “Zimmerman Declaration”), Mr. Zimmerman is an experienced litigating attorney with substantial experience in *inter partes* review proceedings and familiarity with the subject matter at issue in this proceeding. Zimmerman Decl. ¶¶ 2, 4. In particular, Mr. Zimmerman has over 18 years of experience as a patent litigator and has represented clients in numerous patent litigation cases in various United States District Courts and the Court of Appeals for the Federal Circuit. *Id.* ¶¶ 2, 3. In addition, Mr. Zimmerman has experience in *inter partes* review proceedings, for

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example, IPR2013-00024, IPR2013-00128, IPR2013-00266, IPR2013-00517, IPR2013-00518, IPR2014-00549, IPR2014-00550, IPR2014-01093, IPR2015-00265, IPR2015-00268, IPR2016-00397, IPR2016-00399, IPR2016-00549, IPR2016-00553, IPR2016-00557, and IPR2016-00559. *Id.* ¶ 2.

4. Further, Mr. Zimmerman holds a Bachelor of Science degree in Chemical Engineering from the University of Notre Dame and served as a law clerk to the Honorable Alvin A. Schall, Circuit Judge of the United States Court of Appeals for the Federal Circuit. *Id.* ¶ 3. Moreover, Mr. Zimmerman is experienced with technically and legally complex matters, such as will be present in this proceeding. *Id.*

5. With regard to U.S. Patent 9,179,005 (“the ’005 patent”), the patent at issue in this proceeding, Mr. Zimmerman is familiar with the ’005 patent, and with the issues in the *inter partes* review of the ’005 patent, which forms the basis of this proceeding. *Id.* ¶ 4. Mr. Zimmerman also is familiar with U.S. Patent 8,542,815, and with the issues in related matter IPR2016-01201. In view of his experience in *inter partes* review proceedings, legal and technical background, and familiarity with the issues in the present matter and the related matter, Patent Owner Voip-Pal, Inc., has requested his services in the present matter and related matter IPR2016-01201. *Id.* Denial of his appearance in this case would create an undue burden on Patent Owner.

6. Mr. Zimmerman has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in Part 42 of Title 37 of the C.F.R. *Id.* ¶ 9. Mr. Zimmerman also agrees to be subject to the United States Patent and Trademark Office 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). *Id.* ¶ 10.

7. Finally, Mr. Zimmerman has attested to the remaining elements of Paragraph 2(b) of the representative “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7. *Id.* ¶¶ 4-11; *see* Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 3) at 2.

V. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Voip-Pal hereby moves for an Order allowing William R. Zimmerman of Knobbe, Martens, Olson, & Bear, LLP to appear *pro hac vice* on behalf of Voip-Pal in the above-captioned case.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 26, 2017

By: /Kerry Taylor/

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