

Filed: January 24, 2017

Filed on behalf of:

Patent Owner Voip-Pal.com Inc.

By: Kerry Taylor

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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 No. IPR2016-01201

U.S. Patent 8,542,815

**UNOPPOSED MOTION FOR RYAN THOMAS TO APPEAR
PRO HAC VICE ON BEHALF OF PATENT OWNER**

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 move for an Order allowing Ryan Thomas to appear *pro hac vice* on behalf of Voip-Pal in the above-captioned case.

Counsel for Voip-Pal has conferred with counsel for Petitioner Apple Inc. ("Apple") regarding this motion, and counsel for Apple stated that they do not oppose the motion.

II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION

- Voip-Pal Ex. 2002 - Declaration of Ryan Thomas in Support of Motion to Appear *Pro Hac Vice* on Behalf of Patent Owner.

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. Thomas *pro hac vice*. In particular, Mr. Thomas is an experienced litigation attorney with years of experience working with Voip-Pal and its technology. Accordingly, allowing Mr. Thomas 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 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 2002 (the “Thomas Declaration”), Mr. Thomas is an experienced litigating attorney and has an established familiarity with the subject matter at issue in this proceeding. Thomas Decl. ¶ 4. In particular, Mr. Thomas has over 30 years of experience as a litigator and has represented clients in numerous litigation cases in various California, Idaho and Utah. *Id.* ¶ 2.

4. Further, Mr. Thomas is comfortable and experienced with technically and legally complex matters, such as will be present in this proceeding. *Id.* ¶ 3. In particular, Mr. Thomas is experienced with technically and legally complex matters in the field of telephony. *Id.* ¶ 3. In addition to his

general experience with technically and legally complex patent matters, Mr. Thomas served as Chief Information Officer at Utah Valley University and chaired the technical services committee for the Utah Education Network. *Id.* ¶ 3.

5. Mr. Thomas is familiar with U.S. Patent 8,542,815 and with the legal subject matter, technical subject matter, and prior art discussed in Petitioner's request for *inter partes* review of U.S. Patent 8,542,815, which forms the basis for this proceeding. *Id.* ¶ 4. Mr. Thomas also is familiar with the U.S. Patents, legal subject matter, technical subject matter, and prior art at issue in related matters. In view of his legal experience, technical background, and familiarity with the issues in the present matter and the related matters, Patent Owner Voip-Pal, Inc., has requested Mr. Thomas's services in the present matter and related matter IPR2016-01198. Denial of Mr. Thomas's appearance in this case would create an undue burden on Patent Owner. *Id.* ¶ 4.

6. Mr. Thomas 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. Thomas 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. Thomas has attested to the remaining elements of

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Paragraph 2(b) of the representative “Order – Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, Paper 7 (superseding the “Order – Authorizing Motion for Pro Hac Vice Admission” in IPR2013-00010, Paper 6 that issued prior to publication of the “Changes to Representation of Others Before the United States Patent and Trademark Office;” Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013) (effective May 3, 2013)). Id. ¶¶ 4-10; 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), Patent Owner hereby move for an Order allowing Ryan Thomas to appear *pro hac vice* on behalf of Patent Owner in the above-captioned case.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 24, 2017

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