

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

FASTVDO LLC,
Patent Owner.

Case IPR2016-01203
Patent 5,850,482

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
RYAN J. MALLOY UNDER 37 C.F.R. § 42.10(c)**

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10, Petitioner Apple Inc. requests that the Board admit Ryan J. Malloy *pro hac vice* in this proceeding.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding, subject to the conditions set forth therein, and any others that the Board may impose. Petitioner sets forth these facts in support of this motion:

1. The undersigned, who is Backup Counsel for Petitioner, contacted Wayne Helge, Esq., Lead Counsel for Patent Owner FastVDO LLC, who indicated that Patent Owner does not object to Mr. Malloy's admission *pro hac vice*.

2. Petitioner's Lead Counsel David L. Fehrman and Backup Counsel Martin M. Noonan are registered practitioners before the USPTO.

3. Counsel Ryan J. Malloy is an experienced litigator and has established familiarity with the subject matter at issue in this proceeding. Accompanying this motion is Exhibit 1013, the Declaration of Ryan J. Malloy in Support of this Motion for Admission *Pro Hac Vice* ("Malloy Decl."). In his Declaration, Mr. Malloy attests, among other things, that he 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. Mr. Malloy further attests that he is admitted to practice in the United States District Court for the Central District of California, the United States District Court for the Southern District of California, and the United States Court of Appeals for the Federal Circuit. Mr. Malloy also attests to other items set forth by 37 C.F.R. § 42.10(c). *See* Malloy Decl. ¶¶ 1, 7-8.

III. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board admit Ryan J. Malloy *pro hac vice* in this proceeding.

Date: February 13, 2017

Respectfully Submitted,

By: /Martin M. Noonen/
David L. Fehrman, Reg. No. 28,600
Martin M. Noonen, Reg. No. 44,264
Morrison & Foerster LLP
707 Wilshire Boulevard
Los Angeles, CA 90017
Tel: (213) 892-5601

Attorneys for Petitioner Apple Inc.

IPR2016-01203

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached Petitioner's Motion for *Pro Hac Vice* Admission of Ryan J. Malloy Under 37 C.F.R. § 42.10(c) and the Supporting Declaration of Ryan J. Malloy were served on the date listed below via electronic mail upon the following counsel of record for Patent Owner:

Wayne M. Helge
Walter Davis
DAVIDSON BERQUIST JACKSON & GOWDEY, LLP
8300 Greensboro Drive, Suite 500
McLean, VA 22102
Telephone: 571-765-7700
Fax: 571-765-7200
Email: whelge@dbjg.com
Email: wdavis@dbjg.com

Dated: February 13, 2017

By: /Martin M. Noonan/
Martin M. Noonan