

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JVC KENWOOD Corporation, et al.
Petitioners

v.

PAPST LICENSING GMBH & CO., KG
Patent Owner

CASE: IPR2016-01213
Patent No. 8,504,746

**PETITIONER'S MOTION FOR ADMISSION
PRO HAC VICE OF RACHEL CAPOCCIA
PURSUANT TO 37 C.F.R. § 42.10**

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I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.10 and the Board's "Order Authorizing Motion for *Pro Hac Vice* Admission – 37 C.F.R. §42.10," entered on June 23, 2016, Petitioner JVC Kenwood Corporation requests that the Board admit Rachel Capoccia *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS

Pursuant to 37 C.F.R. §42.10(c), the 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.

37 C.F.R. §42.10(c). The facts, supported by the attached Declaration of Rachel Capoccia in Support of Motion for Admission *Pro Hac Vice* ("Capoccia Decl."), establish good cause to admit Ms. Capoccia *pro hac vice* in this proceeding.

1. Lead counsel Gregory S. Cordrey is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.
2. Backup counsel T. Vann Pearce, Jr. is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

3. Backup counsel Christopher J. Hillgins is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

4. Backup counsel David M. Maiorana is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

5. Backup counsel Matthew W. Johnson is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

6. Backup counsel David L. Witcoff is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

7. Backup counsel Marc S. Blackman is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

8. Backup counsel Dion Bregman is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

9. Rachel Capoccia is an experienced litigation attorney. Ms. Capoccia has been a litigating attorney for twenty years. (Capoccia Decl. ¶ 1.) Ms. Capoccia has been litigating patent cases for approximately seventeen of those years. (*Id.* ¶ 2.) Ms. Capoccia 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, and is admitted to practice in the United States Court of Appeals for the Federal Circuit, United States Court of Appeals for the Ninth Circuit, and the United States District

Courts for the Central, Northern, Southern, and Eastern Districts of California. (*Id.* ¶¶ 3-6.)

10. Ms. Capoccia has familiarity with the subject matter at issue in this proceeding based on her work as lead counsel in the pending district court case *In re: Papst Licensing Digital Camera Patent Litigation – MDL No. 1880*, Case No. 07-mc-00493 (D.D.C.), which involves the same patent at issue in this proceeding. (*Id.* ¶ 7.) Ms. Capoccia has represented JVC KENWOOD Corporation and Panasonic Corporation and (and related corporate entities) in this district court case since its outset in 2007, and has been lead counsel for those parties since 2010. She has been actively involved in all aspects of the pending district court case, including proceedings related to issues of invalidity of all patents-in-suit, and arguing on behalf of all defendants in claim construction proceedings with respect to other related patents-in-suit in 2008, and with respect to this patent *and* other related patents-in-suit in 2016. (*Id.* ¶¶ 7-8.) Ms. Capoccia also argued on behalf of all defendants at the Federal Circuit regarding Papst’s appeal of the District Court’s non-infringement summary judgment rulings with respect to the related patents at issue in the District Court case.

11. Ms. Capoccia 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 Code of Professional

Responsibility set forth in 37 C.F.R. §§10.20 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id.* ¶¶ 9-10.) Ms. Capoccia has applied to appear *pro hac vice* in other proceedings before the Office in the last three (3) years as indicated in the attached declaration. (*Id.* ¶¶11-12.)

12. Patent Owner Papst Licensing GMBH & Co., KG has indicated that this Motion will not be opposed.

III. ANALYSIS

The facts contained in the Statement of Facts above, and contained in the Capoccia Declaration, establish that there is good cause to admit Ms. Capoccia *pro hac vice* in this proceeding under 37 C.F.R. §42.10. Lead counsel are registered practitioners, Ms. Capoccia is an experienced patent litigation attorney, and Ms. Capoccia has an established familiarity with the subject matter at issue in the proceeding.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully request that the Board admit Rachel Capoccia *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: March 23, 2017

/s/ Gregory S. Cordrey

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