

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRIME FOCUS CREATIVE SERVICES CANADA INC.

Petitioner

v.

LEGEND3D, INC.

Patent Owner

CASE IPR2016-01243

Patent No. 7,907,793

PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF
DANNA J. COTMAN UNDER 37 CFR § 42.10

I. RELIEF REQUESTED

Pursuant to 37 Code of Federal Regulations (“CFR”) § 42.10, and the Board’s prior authorization for this Motion for *Pro Hac Vice* Admission dated June 30, 2016 (Paper 3), Patent Owner Legend3D, Inc. (“Patent Owner”) respectfully requests that the Board admit Danna J. Cotman *pro hac vice* in this proceeding.

II. GOVERNING AUTHORITY

37 CFR § 42.10(c) states as follows:

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 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.

Further, the Board requires that *pro hac vice* admission be filed in accordance with a representative order reflected by *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB October 15, 2013) (Paper 7) (“Representative Order”). The Representative Order states that the motion for *pro hac vice* admission must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding,” and that the motion “[b]e accompanied by an affidavit or declaration of the

individual seeking to appear attesting to the following:”

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear 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 the C.F.R.;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

As a preliminary matter, lead counsel for this proceeding is a registered practitioner: Mr. Joseph J. Mayo, Reg. No. 53288. With that said, the following facts, supported by the Declaration of Danna J. Cotman (“Cotman Dec.”) (LEGEND3D Ex.1016), establish good cause to admit Ms. Cotman *pro hac vice* in this proceeding (and the ensuing paragraph numbers correspond with both the

Representative Order numbers referenced above and the paragraph numbers set forth in the Cotman Dec. with the addition of one final paragraph).

1. Ms. Cotman is a member in good standing of the Bar of the State of California (State Bar Number 188245) admitted in June 1997.
2. Ms. Cotman has not been suspended or disbarred from practice before any court or administrative body.
3. Ms. Cotman has never had an application for admission to practice before any court or administrative body denied.
4. No sanctions or contempt citations have been imposed against Ms. Cotman by any court or administrative body.
5. Ms. Cotman 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 37 C.F.R.
6. Ms. Cotman will be subject to the USPTO 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).
7. Ms. Cotman previously applied and was granted *pro hac vice status* before this office in Legend3D, Inc. v. Prime Focus VFX Services II Inc. *Inter Partes Review* petition (IPR2015-01350) and in Legend3D, Inc. v. Prime Focus VFX Services II Inc. *Inter Partes Review* petition (IPR2016-00806).

8. Ms. Cotman is an experienced litigation attorney, with ten (10) years of experience litigating patent cases in federal courts. Her experience includes representing clients in other intellectual property related litigation as well. She has appeared as counsel for Legend3D in a number of litigation matters (including patent litigation) over the span of her career. Further, she is currently lead counsel for the defense in the related patent infringement lawsuit entitled *Prime Focus Creative Services Canada, Inc. v. Legend3D, Inc.*, United States District Court, Central District of California, Case No. 2:15-cv-02340-MWF-PLA, and she therefore knows the issues involved in that case which overlap with numerous issues involved in this proceeding.

9. Ms. Cotman has worked with lead counsel and from her experience, she is familiar with the established practices of the Board.

10. This motion is unopposed as the parties have further agreed in the attached email correspondence dated July 6, 2016, to a mutual non-opposition for *pro hac vice* admission of Jonathan Kagan, for petitioner, and Danna J. Cotman, for patent owner. (LEGEND3D Ex. 1017)

IV. GOOD CAUSE EXISTS FOR *PRO HAC VICE* ADMISSION

The facts contained in the Statement of Facts above, and contained in the Cotman declaration, establish that there is good cause to admit Ms. Cotman *pro hac vice* in this proceeding under 37 CFR § 42.10(c). Lead counsel is a registered practitioner Ms. Cotman is an experienced litigating attorney and Ms. Cotman has

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.