

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YMAX CORPORATION,

PETITIONER

V.

FOCAL IP, LLC,

PATENT OWNER

CASE IPR2016-01258
PATENT NUMBER: 7,764,777

**PATENT OWNER FOCAL IP, LLC'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF HANNA F. MADBAK UNDER
37 C.F.R. § 42.10(C)**

I. RELIEF REQUESTED

In the Notice of Filing Date Accorded to Petition (“Notice”) mailed July 5, 2016, the Board authorized the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). The Notice requires that such motions be filed in accordance with the “Order – Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, Paper No. 7 (“Order”).

Patent Owner respectfully requests that the Board recognize Hanna Madbak as counsel *pro hac vice* during this proceeding.

II. NO OPPOSITION TO THIS MOTION

Patent Owner has conferred with Petitioner with regard to this Motion, and Petitioner has confirmed that they will not oppose this Motion.

III. GOVERNING LAWS, RULES, AND PRECEDENT

The Board may recognize counsel *pro hac vice* during a proceeding on a showing of good cause. “[W]here lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigation attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c).

IV. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Hanna Madbak submitted herewith as Exhibit 2008, Patent Owner submits that

a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Hanna Madbak in this proceeding:

1. Patent Owner's lead counsel, Brent Bumgardner, is a registered practitioner (Reg. No. 48,476).
2. Mr. Madbak is an experienced litigating attorney and has been litigating patent cases for over fourteen years. (Ex. 2008, ¶¶ 2-3).
3. Mr. Madbak is a member in good standing of the New York State Bar. (Ex. 2008, ¶ 4).
4. Mr. Madbak has never been suspended or disbarred from practice before any court or administrative body, nor has he ever been the subject of any ethical grievance procedure or investigation. (Ex. 2008, ¶ 5).
5. No application filed by Mr. Madbak for admission to practice before any court or administrative body has ever been denied. (Ex. 2008, ¶ 6).
6. No sanctions or contempt citations have been imposed against Mr. Madbak by any court or administrative body. (Ex. 2008, ¶ 7).
7. Mr. Madbak has read and agrees to 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. (Ex. 2008, ¶ 8).

8. Mr. Madbak understands that he will be subject to the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (Ex. 2008, ¶ 9).

9. Mr. Madbak has an established familiarity with the subject matter at issue in this proceeding. He assisted in drafting the Preliminary Response to the Petition for Inter Partes Review filed in this matter. Mr. Madbak has substantively reviewed all materials filed in this proceeding, including the Petition and all accompanying exhibits, and the Preliminary Response and all accompanying exhibits. (Ex. 2008, ¶ 10).

V. GOOD CAUSE EXISTS FOR THE PRO HAC VICE ADMISSION OF MR. MADBAK IN THIS PROCEEDING

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 any other conditions as the Board may impose. 37 C.F.R. § 42.10(c). Patent Owner's lead counsel, Brent Bumgardner, is a registered practitioner. Based on the facts contained herein, as supported by Mr. Madbak's declaration (Ex. 2008), good cause exists to admit Mr. Madbak *pro hac vice* as backup counsel in this proceeding.

Patent Owner has a substantial need for Mr. Madbak's *pro hac vice* admission and his involvement in depositions and other issues arising from this

proceeding. Admission of Mr. Madbak will also ease the burden on Patent Owner's lead counsel in this proceeding.

VIII. CONCLUSION.

For the foregoing reasons as well as the reasons contained in the attached declaration, Patent Owner respectfully requests admission of Hanna Madbak as counsel *pro hac vice* as backup counsel in this proceeding.

Respectfully submitted,

Dated: February 16, 2017

/s/ Brent N. Bumgardner
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