

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
U.S. Patent No. 7,764,777

**YMAX CORPORATION'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF ALEXANDER WALDEN**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Petitioner YMax Corporation (“YMax”) respectfully requests the expedited *pro hac vice* admission of Alexander Walden in this proceeding. YMax has conferred with Patent Owner Focal IP LLC (“Focal IP”) and Focal IP does not have any objections to YMax’s request and will not oppose this motion.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 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 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.

The Board has stated that motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the “Order - Authorizing Motion for *Pro Hac Vice* Admission” entered in Case IPR2013-000639 (“*Unified*

Patents Order”). In accordance with the *Unified Patents Order*, this motion is being filed no sooner than twenty-one (21) days after service of the petition.

The *Unified Patents Order* requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding; and (2) [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 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);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Affidavit of Alexander Walden (YMax 1044) submitted herewith, YMax requests the expedited *pro hac vice* admission of Alexander Walden in this proceeding:

1. YMax's lead counsel, Joseph J. Richetti, is a registered practitioner (Reg. No. 47,024).
2. Mr. Walden is an associate at the law firm Bryan Cave LLP. (YMax 1044, ¶ 3).
3. Mr. Walden is an experienced litigating attorney and has been a litigating attorney for more than seven years. (*Id.*). Mr. Walden has been litigating patent cases for over six years. (*Id.*).
4. Mr. Walden has an established familiarity with the subject matter at issue in this proceeding. (*Id.*, ¶ 8). Mr. Walden has litigated

patent cases in the area of electrical engineering, computer science, and electronic devices since 2009. (*Id.*). He began representing and advising YMax in matters relating to patent strategy in early 2017. (*Id.*). Since that time he has become very familiar with U.S. Patent No. 7,764,777 and with its prosecution file history. (*Id.*). In particular, Mr. Walden has assisted YMax in preparing its reply to the patent owner's response and its opposition to the patent owner's motion to amend, as well as other submissions in this proceeding (*Id.*).

5. Mr. Walden is a member in good standing of the State Bar of New York. (*Id.*, ¶ 4).

6. Mr. Walden has never been suspended or disbarred from practice before any court or administrative body. (*Id.*).

7. No application of Mr. Walden's for admission to practice before any court or administrative body has ever been denied. (*Id.*).

8. No sanctions or contempt citations have ever been imposed against Mr. Walden by any court or administrative body. (*Id.*).

9. Mr. Walden 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 Code of Federal Regulators. (*Id.*, ¶ 5).

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