

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

REALTIME DATA, LLC D/B/A IXO  
Patent Owner

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Case No. IPR2016-01365  
U.S. Patent No. 7,181,608

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PATENT OWNER'S MOTION FOR ADMISSION PRO HAC VICE  
OF DAVID M. SAUNDERS

**I. STATEMENT OF PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Realtime Data, LLC d/b/a/ IXO (“Realtime”) respectfully requests that the Patent Trial and Appeal Board admit David M. Saunders *pro hac vice* in this proceeding, IPR2016-01365.

**II. STATEMENT OF FACTS DEMONSTRATING GOOD CAUSE TO RECOGNIZE COUNSEL *PRO HAC VICE* IN THIS PROCEEDING**

In accordance with 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. Section 42.10(c) indicates that “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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Mr. Saunders *pro hac vice* in this proceeding.

1. Lead counsel, Richard Z. Zhang (Reg. No. 73,397) is a registered practitioner.

2. Counsel, David M. Saunders, is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion as Exhibit 2001 is the August 2, 2016, Declaration of

David M. Saunders in Support of this Motion for Admission Pro Hac Vice (“Saunders Decl.”). In his declaration, Mr. Saunders asserts:

I am a member in good standing of the Bar of the State of California and the Bar of the District of Columbia, and am admitted to practice before the United States Courts of Appeal for the Federal Circuit, the United States District Court for the Central District of California, and the United States District Court for the Northern District of California.

Saunders Decl. ¶ 2 (Exhibit 2001). Mr. Saunders further asserts:

I am familiar with the subject matter at issue in this proceeding. I am currently counsel in the case of *Realtime Data, LLC d/b/a IXO v. Apple, Inc.*, U.S. District Court for the Northern District of California case no. 3:16-cv-02595.

Saunders Decl. ¶ 9 (Exhibit 2001). Mr. Saunders further asserts:

I understand that I 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).

Saunders Decl. ¶ 8 (Exhibit 2001).

### III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit David M. Saunders *pro hac vice* in this proceeding.

Respectfully Submitted,

Date: August 2, 2016

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*Counsel for Realtime Data, LLC  
d/b/a IXO*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **Patent Owner's Motion for Admission Pro Hac Vice of David M. Saunders** was served on August 2, 2016, via email directed to counsel of record for Petitioners:

W. Karl Renner  
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By: /Richard Z. Zhang/  
Richard Z. Zhang