

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc., Samsung Electronics Co. Ltd., and Samsung Electronics America, Inc.,
Petitioners,

v.

Rosetta-Wireless Corporation,
Patent Owner.

Case IPR 2016-00616
Patent 7,149,511

**PATENT OWNERS' MOTION FOR PRO HAC VICE ADMISSION
OF DANIEL A. ZAHEER PURSUANT TO 37 C.F.R. § 42.10(c)**

PRELIMINARY STATEMENT

Pursuant to 37 C.F.R. § 42.10(c) of the Code of Federal Regulations (“Federal Regulations”), Patent Owner Rosetta-Wireless Corporation (“Patent Owner” or “Rosetta”) respectfully requests the *pro hac vice* admission of Daniel A. Zaheer as backup counsel for Rosetta in the current proceedings. The Petitioners LG Electronics U.S.A., Inc. and LG Electronics, Inc. (“Petitioners”) were consulted regarding this request, and have indicated through counsel that they would not oppose. A declaration made by Mr. Zaheer in support of this motion is attached hereto as Exhibit 2002.

I. Statement of Facts

1. Mr. Zaheer is a litigation attorney experienced in patent cases, and is admitted to practice law in California as well as multiple Federal Courts, including the following:

- a. United States District Court for the Northern District of California
- b. United States District Court for the Eastern District of California
- c. United States District Court for the Central District of California
- d. United States District Court for the Eastern District of Texas
- e. United States Court of the Appeals for the Ninth Circuit
- f. United States Court of the Appeals for the Federal Circuit
- g. United States Supreme Court

2. Mr. Zaheer has not had any application denied for admission to practice, nor has he been sanctioned, cited for contempt, suspended or disbarred from practice, before any court or administrative body.

3. Mr. Zaheer has an established familiarity with the subject matter at issue in this proceeding, having represented Rosetta in District Court proceedings involving the same technology (*Rosetta-Wireless Corp. v. Apple Inc. et al.*, Lead Case No. 15-cv-00799, (N.D. Ill) and *Rosetta-Wireless Corp. v. LG Electronics Co. and LG Electronics USA Inc.*, No. 15-cv-10608, (N.D. Ill)). Mr. Zaheer has carefully studied the patent-in-suit, including its prosecution history, and has conducted many interviews with the inventors regarding their invention, the prosecution history and the patent. Mr. Zaheer is intimately familiar with the positions taken by the petitioners and the other defendants in the above litigation, and has provided counsel to the inventors in connection with litigation involving a foreign counterpart in the United Kingdom. Mr. Zaheer is an experienced patent litigator, having litigated numerous patent infringement cases, for both plaintiffs and defendants, at both the district court and Federal Circuit levels. Mr. Zaheer has, for example, served as trial and appellate counsel for the Australian national science agency, Commonwealth Scientific and Industrial Research Organisation, including in the currently pending *CSIRO v. Cisco*, Eastern District of Texas Case No. 6-11-cv-343.

4. Mr. Zaheer 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.

II. Conclusion

For the reasons stated above, Patent Owner respectfully submits that there is good cause for the Board to recognize Daniel A. Zaheer *pro hac vice* during the proceeding.

Dated: September 13, 2016

KOBRE & KIM

/s/ Daniel A. Zaheer
Daniel A. Zaheer (*Pro Hac Vice* Pending)
Kobre & Kim LLP
150 California, 19th Floor
San Francisco, California 94111
daniel.zaheer@kobrekim.com
(415) 582-4751

*Attorney for Patent Owner Rosetta-
Wireless Corp.*

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing PATENT OWNERS' MOTION FOR PRO HAC VICE ADMISSION OF DANIEL A. ZAHEER PURSUANT TO 37 C.F.R. § 42.10(c) was served via email to lead and backup counsel of record for Petitioners as follows:

Brian A. Tollefson of Rothwell, Figg, Ernst & Manbeck, P.C.

btollefson@rfem.com

Dated: September 13, 2016

KOBRE & KIM

/s/ Daniel A. Zaheer
Daniel A. Zaheer (*Pro Hac Vice* Pending)
*Attorney for Patent Owner Rosetta-
Wireless Corp.*