

Petitioner's Motion for *Pro Hac Vice* Admission of Michael N. Zachary
Case No. IPR2016-01567

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LIMESTONE MEMORY SYSTEMS LLC,
Patent Owner.

Case IPR2016-01567
Patent No. 5,894,441

APPLE INC'S MOTION FOR *PRO HAC VICE* ADMISSION OF
MICHAEL N. ZACHARY UNDER 37 C.F.R. § 42.10 (c)

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Submitted Electronically via the Patent Review Processing System

TABLE OF EXHIBITS

Exhibit #	Exhibit Description
1001	Declaration of Dr. Pinaki Mazumder
1002	Curriculum Vitae of Dr. Pinaki Mazumder
1003	U.S. Patent No. 5,894,441
1004	File History for U.S. Patent No. 5,894,441
1005	U.S. Patent No. 5,265,055 to Horiguchi
1006	U.S. Patent No. 5,126,973 to Gallia
1007	<i>Inter Partes</i> Review No. IPR2016-00094, Petition for <i>Inter Partes</i> Review filed October 27, 2015 (without exhibits)
1008	U.S. Patent No. 5,270,975 to McAdams
1009	Japanese Patent Appl. No. H06-052696 to Minami
1010	<i>Inter Partes</i> Review No. IPR2016-00094, Patent Owner's Preliminary Response filed January 27, 2016
1011	<i>Inter Partes</i> Review No. IPR2016-00094, Decision Denying Institution filed April 12, 2016
1012	U.S. Patent No. 5,956,285 to Watanabe
1013	Masashi Horiguchi et al., <i>A Flexible Redundancy Technique for High-Density DRAMs</i> , IEEE JOURNAL OF SOLID-STATE CIRCUITS, Vol. 26, No. 1, Jan. 1991, at 12-17
1014	U.S. Patent No. 5,267,214 to Fujishima
1015	U.S. Patent No. 5,349,556 to Lee
1016	U.S. Patent No. 5,355,339 to Oh
1017	U.S. Patent No. 5,359,560 to Suh

Petitioner's Motion for *Pro Hac Vice* Admission of Michael N. Zachary
Case No. IPR2016-01567

1018	U.S. Patent No. 5,798,974 to Yamagata
1019	U.S. Patent No. 5,808,948 to Kim
1020	Masashi Horiguchi, <i>Redundancy Techniques for High-Density DRAMs</i> , INNOVATIVE SYSTEMS IN SILICON CONFERENCE, Oct. 1997, at 22-29
1021	Masashi Horiguchi et al., NANOSCALE MEMORY REPAIR (Springer 2011)
1022	Robert T. Smith et al., <i>Laser Programmable Redundancy and Yield Improvement in a 64 K DRAM</i> , IEEE JOURNAL OF SOLID-STATE CIRCUITS, VOL. SC-16, No. 5, Oct. 1981, at 506-14
1023	Affidavit of Michael N. Zachary in support of Motion for <i>Pro Hac Vice</i> Admission

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10 (c), and as authorized in the Board's Notice of Filing Date issued September 1, 2016 (paper 3), Apple Inc. ("Apple") respectfully requests the *pro hac vice* admission of Michael N. Zachary to serve as back-up counsel for Petitioner in this proceeding.

II. GOVERNING LAWS, 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.

Pursuant to the Board's September 1, 2016 Notice of Filing Date, the parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) in accordance with the guidance specified in the "Order Authorizing Motion for *Pro Hac Vice* Admission" entered in Case IPR2013-000639 (Paper 7)

(“Unified Patents Order”). According to that guidance, *pro hac vice* motions can be filed “no sooner than twenty one (21) days after service of the petition.”

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Affidavit of Mr. Zachary (Ex. 1023) submitted therewith, Petitioner requests the *pro hac vice* admission of Michael N. Zachary in this proceeding.

1. Petitioners’ lead counsel, John R. Hutchins, is a registered practitioner (Reg. No. 43,686), and a partner at the law firm of Andrews Kurth Kenyon LLP.
2. Mr. Zachary is a partner at the law firm of Andrews Kurth Kenyon LLP. Ex. 1023, ¶ 1.
3. Mr. Zachary is an experienced litigation attorney. Mr. Zachary has been litigating patent cases for over 26 years, and has experience litigating patent infringement cases in many district courts. *Id.* at ¶ 3.
3. Mr. Zachary’s patent litigation experience includes involvement in patent validity, claim construction, and infringement issues through pleadings, depositions and other discovery, as well as representation of clients at trial and patent related hearings, such as summary judgment and claim construction proceedings. *Id.*
4. Mr. Zachary has an established familiarity with the subject matter at

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.