

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.

LIMESTONE MEMORY SYSTEMS LLC,  
Patent Owner.

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Case: IPR2016-01567  
Patent 5,894,441

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Before BART A. GERSTENBLITH, BARBARA A. PARVIS, and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion for Admission *Pro Hac Vice* of  
Michael N. Zachary  
*37 C.F.R. § 42.10*

## I. INTRODUCTION

Petitioner filed a motion for *pro hac vice* admission of Michael N. Zachary in this proceeding. Paper 6 (“Motion”). Patent Owner did not file an opposition to the Motion. For the following reasons, the Motion is granted.

## II. ANALYSIS

Counsel may be admitted *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner. 37 C.F.R. § 42.10(c). Specifically, if lead counsel is a registered practitioner, back-up counsel may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.* For the reasons set forth in the Motion and the accompanying affidavit of Mr. Zachary (Ex. 1023), we find that good cause exists to admit Mr. Zachary *pro hac vice* in this proceeding.

## III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion is granted, and Michael N. Zachary is authorized to represent Petitioner as back-up counsel in the above-listed proceeding;

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above-listed proceeding; and

FURTHER ORDERED that Mr. Zachary is to comply with the Board’s Rules of Practice for Trials set forth in Part 42 of Title 37, Code of Federal Regulations, and the Office Patent Trial Practice Guide, and is subject to the USPTO’s Rules of Professional Conduct set forth in 37 C.F.R.

IPR2016-01567  
Patent 5,894,441

§§ 11.101 et seq., and to the USPTO's disciplinary jurisdiction under 37  
C.F.R. § 11.19(a).

PETITIONER:

John R. Hutchins  
Rose Cordero Prey  
Michael N. Zachary  
ANDREWS KURTH KENYON LLP  
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PATENT OWNER:

Nicholas T. Peters  
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