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Filed on behalf of:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,

Petitioner,

v.

ONE-E-WAY, INC.

Patent Owner.

Case IPR2016-01639

Patent 9,282,396

**UNOPPOSED MOTION FOR PAYSON LEMEILLEUR TO
APPEAR *PRO HAC VICE* ON BEHALF OF PATENT OWNER**

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to the Board's September 30, 2014 Notice of Filing Date (Paper 3) and 37 C.F.R. §§ 42.10(c) and 42.22, Patent owner ONE-E-WAY, INC. and SONY CORPORATION hereby move for an Order allowing Payson LeMeilleur of Knobbe, Martens, Olson & Bear, LLP to appear *pro hac vice* on behalf of One-E-Way, Inc. in the above-captioned case.

Counsel for One-E-Way, Inc. has conferred with counsel for Petitioner Sony Corporation ("SONY") regarding this motion, and counsel for Sony stated that they do not oppose the motion.

II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION

- One-E-Way, Inc. Ex. 2008 - Declaration of Payson LeMeilleur in Support of Motion to Appear *Pro Hac Vice* on Behalf of Patent Owner.

III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth below in the Statement of Material Facts, One-E-Way, Inc. has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Mr. LeMeilleur *pro hac vice*. In particular, Mr. LeMeilleur is an experienced litigating attorney who has represented clients in numerous patent litigation cases in various United States District Courts and the United States Court of Appeals for the Federal Circuit, including technically and legally complex matters such as will be

present in this proceeding. Accordingly, allowing Mr. LeMeilleur to appear *pro hac vice* on behalf of One-E-Way, Inc. is appropriate in this proceeding.

IV. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. § 42.10(c) provides that “[t]he 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.”

2. Lead counsel in this *inter partes* review proceeding is Daphne Burton. Mrs. Burton is registered to practice before the United States Patent and Trademark Office and holds Registration No. 39,592.

3. As set forth in One-E-Way, Inc. Ex. 2008 (the “LeMeilleur Declaration”), Mr. LeMeilleur is an experienced litigating attorney and has an established familiarity with the subject matter at issue in this proceeding. LeMeilleur Decl. ¶¶ 1, 3.

4. In particular, Mr. LeMeilleur has 18 years of experience as a patent litigator and has represented clients in numerous patent litigation cases in various

United States District Courts and in the United States Court of Appeals for the Federal Circuit. *Id.* ¶ 2.

5. Further, Mr. LeMeilleur holds a Bachelor of Science degree in Physics from the University of Southern California. *Id.* ¶ 2.

6. Mr. LeMeilleur has not previously appeared *pro hac vice* in any matter before the United States Patent and Trademark Office. *Id.* ¶ 4.

7. Moreover, Mr. LeMeilleur is experienced with the technical and legal matters in the field of wireless communications and has represented One-E-Way, Inc. in patent infringement actions involving subject matter related to U.S. Patent No. 9,282,396 (“the ’396 patent”), which is the subject of this proceeding. *Id.* ¶ 3. Accordingly, Mr. LeMeilleur is familiar with the ’396 patent, and with the legal and technical subject matter discussed in One-E-Way’s Response to Petition for *inter partes* review of the ’396 patent. *Id.* In view of his legal experience, technical background, and familiarity with the issues in the present matter, One-E-Way, Inc. has requested Mr. LeMeilleur’s services in the present matter. *Id.*

8. Mr. LeMeilleur 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 37 C.F.R. *Id.* ¶ 8. Mr. LeMeilleur also agrees to be subject to the United States Patent and Trademark Office 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). *Id.* ¶ 9.

9. Finally, Mr. LeMeilleur has attested to the remaining elements of Paragraph 2(b) of the representative “Order – Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, Paper 7 *Id.* ¶¶ 1-10; *see* Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 3) at 2.

V. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Petitioners hereby move for an Order allowing Payson LeMeilleur of Knobbe, Martens, Olson, & Bear, LLP to appear *pro hac vice* on behalf of Patent Owner in the above-captioned case.

Respectfully submitted,

Dated: October 20, 2017

/ Douglas G. Muehlhauser/

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