

Filed: October 23, 2017

Filed on behalf of:

One-E-Way

By: Daphne Burton (Reg. No. 45,323)
BURTON IP LAW GROUP
2029 Century Park East, Suite 400N
Los Angeles, CA 90067
Tel: +1.310.867.2754
Fax: +1.888.972.1879
dburton@burtoniplaw.com

Douglas G. Muehlhauser (Reg. No. 42,018)
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
Telephone: 949-760-0404
Facsimile: 949-760-9502
Email: 2dgm@knobbe.com

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. 45,323.

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 23, 2017

/ Douglas G. Muehlhauser/

Douglas G. Muehlhauser (Reg. No. 42,018)

Attorney for Patent Owner

ONE-E-WAY, INC.

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.