

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ROCKWELL AUTOMATION, INC. and  
ROCKWELL AUTOMATION TECHNOLOGIES, INC.,

Petitioner,

v.

AUTOMATION MIDDLEWARE SOLUTIONS, INC.,

Patent Owner.

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Case IPR2017-00048

Patent 6,516,236 B1

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**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF**

**CHRISTOPHER LIMBACHER**

**UNDER 37 C.F.R. § 42.10(c)**

### **I. Relief Requested**

Pursuant to 37 C.F.R. § 42.10, Patent Owner Automation Middleware Solutions, Inc. (“AMS”) requests that the Board recognize Christopher Limbacher as counsel *pro hac vice* during this proceeding.

### **II. Authorization to File**

The Board’s Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response authorized the filing of motions for admission *pro hac vice* under 37 C.F.R. § 42.10(c).

### **III. Governing Authority**

Under 37 C.F.R. § 42.10(c), “[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.” The Board’s Notice of Filing Date in this proceeding advised that any *pro hac vice* motion filed should be in accordance with the “‘Order -- Authorizing Motion for Pro Hac Vice Admission’ in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under ‘Representative Orders, Decisions, and Notices.’” The IPR 2013-000639 order requires that a motion for *pro hac vice* admission:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.

b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear 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.;
- vi. The individual will be subject to the USPTO 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);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years;  
and
- viii. Familiarity with the subject matter at issue in the proceeding.

#### IV. Good Cause Exists To Grant This Motion

The following facts, supported by the Declaration of Christopher Limbacher, establish good cause to admit Mr. Limbacher *pro hac vice* in this proceeding:

i. Mr. Limbacher is a member in good standing of the Texas State Bar, and has been admitted to the United States District Court for the Southern District of Texas.

ii. Mr. Limbacher has never been suspended or disbarred from practice before any court or administrative body.

iii. No application filed by Mr. Limbacher for admission to practice before any court or administrative body has ever been denied.

iv. No sanctions or contempt citations have been imposed against Mr. Limbacher by any court or administrative body.

v. Mr. Limbacher has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials.

vi. Mr. Limbacher understands that he will be subject to the USPTO Rules of Professional Conduct.

vii. Mr. Limbacher is applying to appear *pro hac vice* before the Office in four related proceedings: *Rockwell Automation, Inc. and Rockwell Automation Technologies, Inc., Petitioners v. Automation Middleware Solutions, Inc., Patent Owner* (IPR2017-00023, -00049, -00469, -00470). Other than these current

proceedings, Mr. Limbacher has not applied to appear *pro hac vice* before the Office in the last three years.

viii. Mr. Limbacher is a litigation attorney with an established familiarity with the subject matter. He has carefully studied the patent-in-suit, including its prosecution, reexamination, and *inter partes* review history. Additionally, Mr. Limbacher has more than eight years of engineering experience, including two years of experience in the field of motion control systems at issue in this *inter partes* review.

If admitted, Christopher Limbacher will serve as backup counsel for AMS lead counsel Douglas Wilson. Mr. Wilson is a registered practitioner, as required by 37 C.F.R. § 42.10(c).

Dated: January 10, 2017

Respectfully Submitted,

/s/ Douglas Wilson  
Douglas Wilson  
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