IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG ELECTRONICS, INC., ZTE CORPORATION,
OLYMPUS CORPORATION, and OLYMPUS AMERICA INC.,
Petitioner,

v.

PAPST LICENSING GMBH & CO. KG
Patent Owner.

Case No. IPR2017-00443[1]
Patent 6,470,399 B1

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PETITIONER'S UNOPPOSED MOTION FOR ADMISSION
PRO HAC VICE OF ANDREW V. DEVKAR
PURSUANT TO 37 C.F.R. § 42.10

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[1] Case IPR2017-01682 has been joined with this proceeding.

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.10, Olympus Corporation and Olympus America Inc. (collectively, "Petitioner") requests that the Board admit Andrew V. Devkar *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS

Pursuant to 37 C.F.R. §42.10(c), 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.

37 C.F.R. §42.10(c). The facts, supported by the attached Declaration of Andrew V. Devkar in Support of Motion for Admission *Pro Hac Vice* ("Devkar Decl."), establish good cause to admit Mr. Devkar *pro hac vice* in this proceeding.

1. Lead counsel Dion M. Bregman is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

2. Backup counsel Ahren Hsu-Hoffman is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

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3.   Andrew V. Devkar is an experienced litigation attorney and has been litigating patent cases for approximately thirteen years. (Devkar Decl. ¶ 1). Mr. Devkar is a member in good standing of the California State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States Court of Appeals for the Federal Circuit, and the United States District Courts for the Central, Northern, Southern, and Eastern Districts of California. (*Id.* ¶¶ 2-5).

4.   Mr. Devkar has familiarity with the subject matter at issue in this proceeding based on his work as counsel in the pending district court case *In re: Papst Licensing Digital Camera Patent Litigation – MDL No. 1880,* Case No. 07-mc-00493 (D.D.C.), which involves the same patent at issue in this proceeding. (*Id.* ¶ 6). Mr. Devkar has represented Olympus Corporation and Olympus America Inc. in this district court case since 2008. He has been actively involved in all aspects of the pending district court case, including proceedings related to issues of invalidity of the patent-at-issue in this proceeding and related patents-in-suit. (*Id.* ¶ 7). Since 2008, Mr. Devkar has been centrally involved in analyzing and drafting invalidity contentions relating to the patent-at-issue in this proceeding, including with respect to the prior art references at issue in this proceeding. (*Id.*).

5.   Mr. Devkar has a Computer Science degree from Stanford University and is knowledgeable regarding the technology in the patent-at-issue and this proceeding (including software and hardware for host computers and peripherals, interfaces, drivers, file systems, and related issues). (*Id.* ¶ 6)

6.   Mr. Devkar has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of 37 C.F.R, and he agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§10.20 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id.* ¶¶ 8-9). While Mr. Devkar has not previously applied to appear *pro hac vice* before the Office, he is concurrently applying for admission *pro hac vice* in IPR2017-00714 and IPR2017-00415. (*Id.* ¶10).

7.   Patent Owner Papst Licensing GMBH & Co., KG has indicated that this Motion will not be opposed. Petitioner ZTE Corporation and Petitioner LG Electronics, Inc. have also indicated that this Motion will not be opposed.

III. ANALYSIS

The facts contained in the Statement of Facts above, and contained in the Devkar Declaration, establish that there is good cause to admit Mr. Devkar *pro hac vice* in this proceeding under 37 C.F.R. §42.10. Lead counsel is a registered practitioner, Mr. Devkar is an experienced patent litigation attorney, and Mr.

Devkar has an established familiarity with the subject matter at issue in the proceeding.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Andrew V. Devkar *pro hac vice* in this proceeding.

Date: November 16, 2017   By: / *Dion M. Bregman* /

Dion M. Bregman
Reg. No. 45,645

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