

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ruckus Wireless, Inc., Brocade Communication
Systems, Inc. and Netgear, Inc.,

Petitioners

v.

ChriMar Systems, Inc.,

Patent Owner

U.S. Patent No. 9,019,838
Inter Partes Review No. 2017-00720

**PETITIONERS' UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF MATTHEW S. YUNGWIRTH UNDER 37 C.F.R. § 41.10(c)**

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), and the Board's order received via e-mail on February 8, 2017 authorizing the filing of the instant motion, Petitioners Ruckus Wireless, Inc., Brocade Communication Systems, Inc. and Netgear, Inc.

("Petitioners") respectfully request that the Board recognize Matthew S.

Yungwirth, Esq., as counsel *pro hac vice* during this proceeding, IPR2017-00720.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* DURING THE PROCEEDING

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* subject to the condition that lead counsel be a registered practitioner and to any other conditions that the Board may impose. Section 42.10(c) provides that "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." *See also Unified Patents v. Parallel Iron*, IPR2013-00639, Paper 7 (Oct. 15, 2013). The following facts establish good cause for the Board to recognize Matthew Yungwirth *pro hac vice* in this proceeding:

1. I, Joseph A. Powers, lead counsel, am a registered practitioner.

2. Mr. Yungwirth is an experienced patent litigator, and has established familiarity with the subject matter at issue in this proceeding from his participation in co-pending litigation involving the subject patents and related patents.

Specifically, U.S. Patent No. 9,019,838 is currently asserted against Petitioners Ruckus Wireless, Inc. and Netgear, Inc. in co-pending litigation in the Northern District of California, *Chrimar Systems, Inc. et al. v. Ruckus Wireless, Inc.*, Case No. 3:16-cv-00186 and *Chrimar Systems, Inc. et al. v. Netgear, Inc.*, Case No. 3:16-cv-00624. Mr. Yungwirth is a member of the Georgia Bar in good standing, and has been representing these Petitioners as lead counsel in the aforementioned co-pending litigation matters since their inception. Mr. Yungwirth has been actively involved in all aspects of these co-pending litigation matters.

3. Mr. Yungwirth has not applied to appear *pro hac vice* in any other Board or United States Patent and Trademark Office (“USPTO”) proceeding except for the concurrently submitted Motions for *Pro Hac Vice* Admission in IPR2017-00718, -00719, and -00790.

4. As part of his participation in the aforementioned co-pending litigation matters involving the subject patent and related patents, Mr. Yungwirth has been actively involved in: (1) the preparation of invalidity contentions against the claims of the subject patent and related patents, and (2) the evaluation of Patent

Owner's infringement contentions alleging that Petitioners Ruckus Wireless, Inc. and Netgear, Inc. infringe the claims of the subject patent and related patents. Mr. Yungwirth is also knowledgeable regarding Petitioners' technology and the state of the art relevant to this proceeding based on his prior experience representing Petitioners in patent litigation matters. Petitioners wish to apply Mr. Yungwirth's knowledge concerning the patent, related patents, and the state of the art, and familiarity with Petitioners, by employing him as counsel in this proceeding. Admission of Mr. Yungwirth *pro hac vice* will enable Petitioners to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

5. Petitioners' lead counsel, Joseph A. Powers, is a registered practitioner and Mr. Yungwirth is an experienced patent litigation attorney having established familiarity with the subject matter at issue in this proceeding. Therefore, Petitioners respectfully submit that there is good cause for the Board to recognize Mr. Yungwirth as counsel *pro hac vice* during this proceeding.

6. This Motion for *Pro Hac Vice* Admission is supported by a Declaration of Mr. Yungwirth (Exhibit 1018).

7. Counsel for the Petitioners contacted by telephone Rick Hoffman, counsel for the Patent Owner, on February 3, 2017 to determine whether Chrimar

would oppose Mr. Yungwirth appearing *pro hac vice* during this proceeding.

Counsel for the Patent Owner stated that Chrimar would not oppose this motion.

III. CONCLUSION

For the foregoing reasons, Petitioners respectfully requests that the Board admit Matthew Yungwirth *pro hac vice* in this proceeding.

Date: February 14, 2017

Respectfully submitted,

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