

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner

v.

PLECTRUM LLC
Patent Owner

Case: IPR2017-01430
Patent 5,978,951

**PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF C. RYAN PINCKNEY UNDER 37 C.F.R. § 42.10(c)**

STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Plectrum LLC respectfully requests that the Board recognize C. Ryan Pinckney as counsel *pro hac vice* in this proceeding. Patent Owner seeks the counsel of Mr. Pinckney due to his relevant expertise in the subject matter and particularly due to his familiarity with the substantive and technical issues involved in this proceeding. The motion is authorized by the May 25, 2017 Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response.

Counsel for Patent Owner has conferred with Counsel for Petitioner on this Motion. Petitioner does not oppose this Motion.

STATEMENT OF FACTS

Based on the following facts, and supported by the Affidavit of Mr. Pinckney (Ex. 2006) submitted herewith, Patent Owner requests the *pro hac vice* admission of Mr. Pinckney in this proceeding:

1. Patent Owner's lead counsel in IPR2017-01430 Zachariah S. Harrington is a registered practitioner (Reg. No. 44,742).
2. Mr. Pinckney holds the position of counsel at the law firm Antonelli, Harrington, & Thompson. Ex. 2006 at ¶ 3.
3. Mr. Pinckney is an experienced litigating attorney. Mr. Pinckney has been a litigating attorney for more than eleven years. *Id.* at ¶ 4. Mr. Pinckney has been litigating patent cases for more than eleven years. *Id.*

4. Mr. Pinckney has an established familiarity with the subject matter at issue in this proceeding.

5. Mr. Pinckney is a member in good standing in the bar of Texas and the U.S. District Court for the Eastern District of Texas. *Id.* at ¶ 5.

6. Mr. Pinckney has never been suspended or disbarred from practice before any court or administrative body. *Id.*

7. No application of Mr. Pinckney for admission to practice before any court or administrative body has ever been denied. *Id.* at ¶ 6.

8. No sanctions or contempt citations have ever been imposed against Mr. Pinckney by any court or administrative body. *Id.* at ¶ 7.

9. Mr. Pinckney 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 Title 37, Code of Federal Regulations. *Id.* at ¶ 8.

10. Mr. Pinckney understands that he will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶ 9.

11. Mr. Pinckney has applied to appear *pro hac vice* in four other proceedings before the Office in the last three (3) years. *Id.* at ¶ 10. Specifically, he applied for and was granted admission *pro hac vice* in four IPR proceedings captioned *St. Jude Medical, LLC v. Snyders Heart Valve LLC*: IPR2018-00105,

IPR2018-00106, IPR2018-00107, and IPR2018-00109.

This motion was filed no sooner than 21 days after service of the Petition in this proceeding, which occurred on May 15, 2017.

REASONS FOR RELIEF REQUESTED

Good cause exists for the *pro hac vice* admission of Mr. Pinckney in this proceeding.

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. 37 C.F.R. § 42.10(c). Patent Owner Plectrum LLC's ("Plectrum") lead counsel, Zachariah S. Harrington, is a registered practitioner. Based on the facts contained herein, as supported by Mr. Pinckney's Affidavit (Ex. 2006), good cause exists to admit Mr. Pinckney *pro hac vice* in this proceeding.

As supported by his affidavit, Mr. Pinckney is an experienced litigating attorney with over eleven years of patent litigation experience. Mr. Pinckney also has an established familiarity with the subject matter at issue in this proceeding.

In a related matter involving the '951 Patent, Mr. Pinckney represented Patent Owner Plectrum in a litigation previously pending in the Eastern District of Texas. *See Plectrum LLC v. AT&T Inc. et al.*, No. 4:17-cv-00120. As a result, he has reviewed the '951 Patent, its relevant file history, the prior art (including the

prior art at issue in this *Inter Partes* Review proceeding), and has familiarity with the claim construction issues pertaining to the '951 Patent. Additionally, he has served an essential role in this *Inter Partes* Review proceeding, including working with the present Lead and Backup Counsel to prepare the Preliminary Response and the Response. Therefore, he has a detailed understanding of the '951 Patent and the substantive and technical issues involved in this proceeding.

Patent Owner therefore respectfully requests that the Board admit Mr. Pinckney *pro hac vice* in this proceeding.

Dated: July 17, 2018

Respectfully submitted,

/s/ Zachariah S. Harrington

Zachariah S. Harrington (Reg. No. 44,742)

ANTONELLI, HARRINGTON &
THOMPSON LLP

4306 Yoakum Blvd., Ste. 450

Houston, TX 77006

Phone: (713) 581-3000

Email: zac@ahtlawfirm.com

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.