

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner

v.

UNILOC LUXEMBOURG S.A.,  
Patent Owner

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Case IPR2017-02202  
Patent No. 8,239,852

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**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION PURSUANT  
TO 37 C.F.R. §42.10(C)**

## **I. INTRODUCTION**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Apple Inc. (“Petitioner” or “Apple”) respectfully requests that the Board recognize Luann L. Simmons as counsel *pro hac vice* in this proceeding. Petitioner’s lead counsel in this proceeding is a registered practitioner and, as illustrated below, Ms. Simmons is an experienced litigator with an established familiarity with this proceeding’s subject matter. Thus, there is good cause for the Board to recognize Ms. Simmons *pro hac vice* in this proceeding.

## **II. TIME FOR FILING**

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition. *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013).

## **III. STATEMENT OF FACTS**

This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on November 6, 2017 (Paper No. 5). Petitioner’s lead and back-up counsel are registered practitioners.

Where lead counsel is a registered practitioner, the Board may permit a non-registered practitioner to appear *pro hac vice* “upon a showing that counsel is an experienced litigating attorney and has established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. §42.10(c); *Unified Patents, Case*

IPR2013-00639, Paper 7 (setting forth requirements for *pro hac vice* admission).

As set forth in her Declaration submitted herewith (Ex. 1113), Ms. Simmons is an experienced litigator. She is a Partner with O'Melveny & Myers LLP with over 18 years of experience representing clients in patent and technology related litigation, including matters involving technology similar to that at issue in this proceeding. Ms. Simmons has litigated patent matters through trial and appeal and has argued complex claim construction and invalidity issues in numerous district court proceedings. Ms. Simmons has also participated in multiple *inter partes* review proceedings before the Board.

Ms. Simmons is familiar with the subject matter of this proceeding. She has been lead counsel for Petitioner in district court litigations involving technology similar to that at issue in this IPR, which relates generally to software security systems, such as *OpenTV, Inc. and Nagravision, SA v. Apple Inc.*, Case No. 3:14-cv-01622-HSG (N.D. Cal.). She has also been counsel *pro hac vice* for Petitioner in Board proceedings involving similar technologies. She has reviewed and analyzed the patent at issue in this *inter partes* review, U.S. Patent No. 8,239,852 ("the '852 Patent"), as well as the prior art at issue in this proceeding

Based on her work for Petitioner in litigations and proceedings involving similar technologies, involvement with the petition in this proceeding, and the other facts detailed in her declaration, Ms. Simmons has significant familiarity

with the subject matter in this proceeding. Petitioner wishes to apply Ms. Simmons' knowledge of the patent and litigation experience by employing her as counsel in this proceeding. Because Ms. Simmons is an experienced practitioner with an established familiarity with the subject matter of this proceeding, Petitioner respectfully submits that there is good cause under 37 C.F.R. § 42.10(c) to recognize Ms. Simmons as counsel *pro hac vice* during this proceeding.

**IV. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR**

This motion for *Pro Hac Vice* Admission is supported by the accompanying Declaration of Luann L. Simmons (Apple Ex. 1113), as required by *Unified Patents*, Case IPR2013-00639, Paper 7.

November 7, 2017

Respectfully submitted,

/s/ Xin-Yi Zhou  
Xin-Yi Zhou (Reg. No. 63,366)

**PETITIONER'S UPDATED EXHIBIT LIST**

1101	U.S. Patent No. 8,239,852 (“the ’852 Patent”)
1102	Prosecution File History of U.S. Patent No. 8,239,852
1103	Declaration of Mr. James Geier
1104	U.S. Patent Pub. 2008/0320607 (“Richardson”)
1105	U.S. Patent Pub. 2005/0076334 (“Demeyer”)
1106	U.S. Patent Pub. 2007/0113090 (“Villela”)
1107	U.S. Patent Pub. 2008/0120195 (“Shakkarwar”)
1108	U.S. Patent Pub. 2004/0059938 (“Hughes”)
1109	Federal Information Processing Standards Publication 180-2, Secure Hash Standard, issued and published by the National Institute of Standards and Technology on August 1, 2002 (available at <a href="http://csrc.nist.gov/publications/fips/fips180-2/fips180-2.pdf">http://csrc.nist.gov/publications/fips/fips180-2/fips180-2.pdf</a> ) (“FIPS 180-2”)
1110	Recorded Patent Assignment for U.S. Patent Application 12/818,906 (Reel/frame 030136/0015)
1111	<i>Ex parte Craig S. Etchegoyen</i> , Appeal 2014-001653, Application 12/784,426, Decision on Appeal (P.T.A.B. July 29, 2016)

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