

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

FUJIFILM CORPORATION,
Patent Owner.

Case No. IPR2018-00876
Patent No.: 6,462,905

**MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10 OF KATHARINE M. BURKE**

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 5, Fujifilm Corporation (“Patent Owner”) respectfully requests that the Board recognize Ms. Katharine M. Burke as counsel *pro hac vice* during this proceeding, IPR-2018-00876.

1 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 as required by the Notice of Filing Date Accorded to Petition entered on April 11, 2018.

2 Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During The Proceeding

As required by the Order Authorizing Motion for *Pro Hac Vice* and in accordance with 37 C.F.R § 42.10(c), the following statement of facts shows that there is good cause for the Board to recognize Ms. Burke *pro hac vice*.

Ms. Burke is an experienced litigation attorney and has been involved in litigations involving patent infringement in District Courts across the country. She has experience in jury and bench trials, *Markman* hearings, and oral arguments in patent infringement litigation matters.

U.S. Patent No. 6,462,905 was previously asserted by Patent Owner FUJIFILM Corporation in a co-pending litigation, *In the Matter of Certain Magnetic Data Storage and Tape and Cartridges Containing the Same (II)*, International Trade Commission Inv. No. 337-TA-1076 (“the co-pending litigation”). Ms. Burke is counsel for FUJIFILM Corporation in the co-pending litigation and, as such, has an established familiarity with the subject matter at issue in this proceeding. Patent Owner has expended significant financial resources in the co-pending litigation with Ms. Burke as counsel, and Patent Owner wishes to continue using Ms. Burke as counsel in this proceeding.

Further, Patent Owner will file a Power of Attorney evidencing Ms. Burke's representation of Patent Owner upon granting of this Motion.

Therefore, Patent Owner respectfully submits that there is good cause for the Board to recognize Ms. Burke as counsel *pro hac vice* during this proceeding.

3 Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Ms. Katharine M. Burke as required by the "Order -- Authorizing Motion for Pro Hac Vice Admission" in Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013).

Respectfully submitted,

By: /s/ Eliot D. Williams
Eliot D. Williams
Registration No. 50,822
Lead Counsel for Patent Owner

**AFFIDAVIT OF MS. KATHARINE M. BURKE IN SUPPORT OF
MOTION FOR PRO HAC VICE ADMISSION**

I, Katharine M. Burke, being duly sworn and upon oath, hereby attests to the following:

1. I am a member in good standing of the Bar of the District of Columbia.
2. I have not been suspended or disbarred from practice before any court or administrative body;
3. I have never had an application for admission to practice before any court or administrative body denied;
4. No sanction or contempt citation has been imposed against me by any court or administrative body;
5. I have 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.;
6. I 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);
 1. I have previously applied to appear *pro hac vice* before the Office in Case IPR2015-01070, and my application was granted (Paper 32, March 24, 2016); and
 2. I am an experienced litigation attorney, with experience in litigations involving patent infringement in District Courts across the country, including experience in jury and bench trials, *Markman* hearings, and other oral arguments in patent infringement litigation. I am counsel for FUJIFILM Corporation in a co-pending litigation in which U.S. Patent No. 6,462,905 was previously an asserted patent owned by FUJIFILM Corporation. I am familiar with the subject matter at issue in this proceeding as a result, including the prior art on which Petitioner relies in this request, as well as all facets of the co-pending litigation.

/s/ Katharine M. Burke

Katharine M. Burke

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