

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHOPIFY, INC.,
Petitioner

v.

DDR HOLDINGS, LLC,
Patent Owner

Case IPR2018-01011
Patent 9,639,876

**PATENT OWNER'S MOTION FOR *PRO HAC VICE*
ADMISSION UNDER 37 C.F.R. § 42.10**

Patent Owner DDR Holdings, LLC (“DDR”) respectfully requests that the Board recognize Ian B. Crosby as counsel *pro hac vice* during this proceeding. The Board has authorized filing this motion via the Notice according filing date mailed June 5, 2018, Paper No. 5.

1. Statement of Facts

Mr. Crosby has established familiarity with the subject matter at issue in this IPR proceeding through his role as co-counsel for Patent Owner in a prior litigation that involved this patent, *DDR Holdings, LLC v. Hotels.com et al.* (Case No. 06-CV-0042 (RG)(E.D. Tex.), and on appeal. *See DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014), *aff’g as to this patent, DDR Holdings, LLC v. Hotels.com, L.P.*, 954 F. Supp. 2d 509 (E.D. Tex. 2013).

The Board granted Mr. Crosby’s Motion for *pro hac vice* admission in proceeding IPR2018-00482 involving related U.S. Patent 7,818,399 (*see* Paper No. 21, entered October 16, 2018, in that proceeding.)

Mr. Crosby is an attorney with extensive experience in patent matters, and has appeared before the U.S. International Trade Commission and consulted on patent-related *inter partes* matters before this Board.

Mr. Crosby has received national recognition from U.S. News – The Best Lawyers in America®, the American Intellectual Property Law Association, and

Managing IP Magazine for his work and expertise in the field of intellectual property litigation and licensing.

Other patent cases in which Mr. Crosby has been involved include *Uniloc U.S.A. v. Bitdefender LLC*, Case No. 2:16-cv-00394-RWS (N.D. Cal. 2017); *In re Certain Wearable Activity Tracking Devices*, Investigation No. 337-TA-973 (I.T.C. 2016); *In re Queen's University at Kingston*, No. 2015-145 (Fed. Cir. 2016); *Two-Way Media LLC v. AT&T et al.*, No. 2014-1302 (Fed. Cir. 2015); *ViaSat, Inc. v. Space Systems/Loral, Inc. et al.*, No. 3:12-cv-00260-H (S.D. Cal. 2014).

Mr. Crosby earned a B.A. from Reed College and a J.D. with high honors from the University of Texas School of Law, where he received awards for highest achievement in several subjects, including patent litigation.

Further facts concerning and verifying Mr. Crosby's experience appear in the accompanying declaration supporting this motion, Exhibit 2024.

2. Argument

Under 37 C.F.R. § 42.10(c) the Board may recognize a counsel *pro hac vice* “upon a showing of good cause,” provided that lead counsel is a registered practitioner and on any other conditions as the Board may impose. Lead counsel here is a registered practitioner. In that circumstance, a motion of this sort “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.” *Id.*

The facts recited above and in the declaration establish that there is “good cause,” that Mr. Crosby is “an experienced litigating attorney,” and that he “has an established familiarity with the subject matter at issue” here. Patent Owner is not aware of any additional conditions imposed by the Board, except the Board has ordered applicants making *pro hac vice* motions to file them “in accordance with” a representative order from an earlier case, which the undersigned has reviewed and addressed. *See* Paper No. 5, p. 2.

Petitioner has indicated that it has no objection to Mr. Crosby’s admission *pro hac vice*.

If the Board grants this motion, Patent Owner intends to act promptly to submit a Power of Attorney for Mr. Crosby in accordance with 37 C.F.R. § 42.10(b), and to update its mandatory notices as required by 37 C.F.R. § 42.8(b)(3). Approval of Mr. Crosby as counsel *pro hac vice* for this proceeding, to act as backup counsel only, is therefore respectfully requested.

Respectfully submitted,

Dated: January 4, 2019

/Louis J. Hoffman/
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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that on January 4, 2019, a complete and correct copy of the foregoing PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. § 42.10 and Exhibit 2024 was served via electronic mail on the following counsel of record for Petitioner:

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