

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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CISCO SYSTEMS, INC.,  
Petitioner,

v.

CHRIMAR SYSTEMS, INC.,  
Patent Owner

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Case No. IPR2018-01511  
Patent 8,902,760 B2

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**PETITIONER'S MOTION FOR THE PRO HAC VICE ADMISSION OF**  
**MICHAEL W. DE VRIES**

## **I. RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Cisco Systems, Inc. (“Cisco”) respectfully moves the Patent Trial & Appeal Board (“Board”) for the *pro hac vice* admission of Michael W. De Vries in this proceeding.

## **II. GOVERNING LAW, RULES, AND PRECEDENT**

The Board is authorized to recognize counsel *pro hac vice* pursuant to 37 C.F.R. § 42.10(c), which provides that:

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. For example, 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.

The Board has stated that a motion for admission *pro hac vice* should include a “statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding” and “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following

i. Membership in good standing of the Bar of at least one State or the District of Columbia; ii. No suspensions or disbarments from practice before any court or administrative body; iii. No application for admission to practice before any court or administrative body ever denied; iv. No sanctions or contempt citations imposed by any court or administrative body; v. The individual seeking to appear 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 37 C.F.R.; vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a); vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and viii. Familiarity with the subject matter at issue in the proceeding.”

*Unified Patents, Inc. v. Parallel Iron, LLC*, IPR 2013-00639 (MPT) (Paper 7 at 3-4).

### III. STATEMENT OF FACTS

Based on the following facts, supported by Mr. De Vries' declaration (Ex. 1047), Cisco requests that Mr. De Vries be admitted *pro hac vice* in this proceeding as he meets the requirements. As an initial matter, Cisco's lead counsel in this matter before the Patent Trial and Appeals Board, James Marina (No. 41,969), is a registered practitioner.

1. Mr. De Vries has more than 17 years of experience as a litigation attorney specializing in patent litigation, representing clients in patent litigation matters in various United States District Courts and before the International Trade Commission.

2. Mr. De Vries is very familiar with U.S. Patent No. 8,902,760, and with the legal subject matter, technical subject matter, and prior art discussed in Petitioner's Request for *Inter Partes* Review of U.S. Patent No. 8,902,760, which forms the basis for this proceeding. He is counsel for Cisco in the co-pending district court action related to this patent (*Cisco Systems, Inc. v. ChriMar Systems, Inc.* Civil Action No. 2-17-cv-13770 (E.D. Mich.), filed November 20, 2017) and is involved with factual and technical developments in that matter.

3. Mr. De Vries is a member in good standing of the Bar of the State of California. He is admitted to practice before before the United States District Court for the Eastern District of Texas, the United States District Court for the Eastern District of California, the United States District Court for the Eastern District of California, the United States District Court for the Northern District of California, the United States District Court for the Central District of California, the United States District Court for the Southern District of California, the United States District Court of Colorado, the United States District

Court for the Eastern District of Michigan, the United States Court of Appeals for the Federal Circuit, and the United States Court of Appeals for the Eleventh Circuit.

4. Mr. De Vries has never been suspended or disbarred from practice before any court or administrative body.

5. Mr. De Vries has never had a court or administrative body deny an application for admission to practice.

6. Mr. De Vries has never been sanctioned or cited for contempt by any court or administrative body.

7. Mr. De Vries 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 37 C.F.R.

8. Mr. De Vries agrees to be subject to the United States Patent and Trademark Office 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).

9. In the past 3 years, Mr. De Vries was admitted *pro hac vice* as counsel before the PTAB in the following actions.

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