

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,

Petitioner

v.

DIRECTSTREAM, LLC,

Patent Owner

IPR2018-01605, IPR2018-01606, and IPR2018-01607

Patent No. 7,620,800

**PATENT OWNER DIRECTSTREAM, LLC'S
MOTION FOR *PRO HAC VICE* ADMISSION OF
G. DONALD PUCKETT UNDER 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED

Under 37 C.F.R. § 42.10(c), Patent Owner, Directstream, LLC, respectfully requests the *pro hac vice* admission of G. Donald Puckett in these proceedings.

II. GOVERNING LAWS, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

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.

As stated in the "Order Authorizing Motion for Pro Hac Vice Admission" entered in Case IPR2013-00010 (MPT) (Paper 6) ("Motorola Order"), any motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed "no sooner than (21) days after service of the petition.

III. STATEMENT OF FACTS

Based on the following facts and supported by the Declaration of G. Donald Puckett ("Puckett Decl.") submitted herewith, Directstream, LLC requests the *pro hac vice* admission of G. Donald Puckett in this proceeding.

1. Patent Owner Directstream's lead counsel, Alfonso Chan, is a registered practitioner (Reg. No. 45,964).

2. Mr. Puckett is Of Counsel at the law firm Janik Vinnakota LLP. Puckett Decl. at ¶ 3.

3. Mr. Puckett is an experienced litigation attorney who has been litigating patent cases for approximately twenty years. *Id.* at ¶ 4.

4. In his role as counsel for Patent Owner, Mr. Puckett has an established familiarity with all six patents asserted against Microsoft in the field of high-performance computing design (the field of technology to which they all pertain), and the prior art asserted in this proceeding. *Id.* at ¶ 6.

5. Mr. Puckett has been practicing since 1999 and has extensive experience litigating patent infringement cases in many different district courts across the United States. *Id.* at ¶ 4, 5, 7. He also has developed specialized skills and experience regarding procedural issues that arise in PTAB trials, including administrative law and constitutional issues. *Id.* at ¶ 14.

6. Mr. Puckett has been co-lead counsel in various patent infringement trials and argued multiple *Markman* hearings and many other patent-related hearings. *Id.* at ¶ 5.

7. Mr. Puckett is a member in good standing of the State Bar of Texas. *Id.* at ¶ 7.

8. Mr. Puckett has never been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶ 8.

9. No application of Mr. Puckett for admission to practice before any court or administrative body has ever been denied. *Id.* at ¶ 9.

10. No sanctions or contempt citations have ever been imposed against Mr. Puckett by any court or administrative body. *Id.* at ¶ 10.

11. Mr. Puckett has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. § 42. *Id.* at ¶ 11.

12. Mr. Puckett 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 ¶ 12.

13. Mr. Puckett has appeared before the Board *pro hac vice* in the last several years in: (1) IPR2014-00411 and IPR2015-00065 (consolidated); (2) IPR2014-01431 and IPR2014-01432 (consolidated); and (3) IPR2016-00379 and has presented oral arguments to the Board in various cases. *Id.* at ¶ 13.

14. This motion was filed more than 21 days after service of the Petition in this proceeding.

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. PUCKETT 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's lead counsel, Alfonso Chan, is a registered practitioner.

Based on the facts contained herein, as supported by Mr. Puckett's Declaration, good cause exists to admit Mr. Puckett *pro hac vice* in this proceeding.

Mr. Puckett is an experienced patent litigator with unique knowledge of PTAB trials and procedure, including administrative and constitutional issues.

Mr. Puckett also has an established familiarity with U.S. Patent Nos. 6,076,152, 6,247,110, 6,434,687, 7,225,324, 7,421,524, and 7,762,800 because of his work for Patent Owner.

In view of Mr. Puckett's extensive knowledge of this subject matter, Patent Owner, Directstream, LLC, has a substantial need for Mr. Puckett's *pro hac vice* admission and his involvement in the briefing and oral arguments in this case.

V. CONCLUSION

For the foregoing reasons as well as the reasons contained in the attached declaration, Patent Owner Directstream, LLC respectfully requests admission of G. Donald Puckett as counsel *pro hac vice* in this proceeding.

Dated: May 24, 2019

Respectfully submitted,

/Alfonso Chan/

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