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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUEST TEK INTERACTIVE ENTERTAINMENT LTD.,
Petitioner,

v.

NOMADIX, INC.,
Patent Owner.

Case IPR2019-00211
Patent 7,953,857

**MOTION FOR KENDALL M. LOEBBAKA TO APPEAR
PRO HAC VICE ON BEHALF OF PATENT OWNER NOMADIX**

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.10(c) and 42.22, Patent Owner Nomadix, Inc. (“Nomadix”) hereby moves for an Order allowing Kendall M. Loebbaka of Knobbe Martens Olson & Bear LLP to appear *pro hac vice* as additional backup counsel on behalf of Nomadix in the above-captioned case. On August 15, 2019, the Board indicated that no authorization was required for this motion.

Patent Owner has conferred with Petitioner concerning the subject matter of this motion. Petitioner has stated that it does not oppose this motion.

II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION

Nomadix Ex. 2003 - Declaration of Kendall M. Loebbaka in Support of Motion to Appear *Pro Hac Vice* on Behalf of Nomadix, Inc.

A. Reasons the requested relief should be granted

As set forth below in the Statement of Material Facts, Nomadix has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Ms. Loebbaka *pro hac vice*. In particular, Ms. Loebbaka is an experienced litigating attorney. Further, Ms. Loebbaka has an established familiarity with the subject matter at issue in this proceeding. Accordingly, allowing Ms. Loebbaka to appear *pro hac vice* as additional backup counsel on behalf of Nomadix is appropriate in this proceeding.

III. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. § 42.10(c) provides that “[t]he 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.”

2. Lead counsel in this *Inter Partes* Review proceeding is Douglas G. Muehlhauser. Mr. Muehlhauser is registered to practice before the United States Patent and Trademark Office and holds Registration No. 42,018.

3. As set forth in the attached Nomadix Exhibit 2003 (the “Loebbaka Declaration”), Ms. Loebbaka is an experienced litigating attorney and has an established familiarity with the subject matter at issue in this proceeding. Loebbaka Decl. ¶ 5. Ms. Loebbaka has previously been admitted before the Board *pro hac vice* in *Kinetic Techs., Inc. v. Skyworks Solutions, Inc.*, Case No. IPR2014-00690 (U.S. Patent No. 8,539,275). *Id.* at ¶ 12.

4. Further, Ms. Loebbaka holds a Bachelor of Science degree in Electrical Engineering from California Polytechnic State University San Luis Obispo. *Id.* ¶ 4. Moreover, Ms. Loebbaka is experienced with technically and legally complex matters in the field of bandwidth management. *Id.*

5. With regard to U.S. Patent No. 7,953,857 (“the ’857 patent”), the patent at issue in this proceeding, Ms. Loebbaka is familiar with the ’857 patent, and with the legal subject matter, technical subject matter, and prior art discussed in Nomadix’s Response for inter partes review of the ’857 patent. *Id.* ¶ 5.

6. Ms. Loebbaka 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 the C.F.R. *Id.* ¶ 10. Ms. Loebbaka also 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). *Id.* ¶ 11.

7. Finally, Ms. Loebbaka has attested to the remaining elements of Paragraph 2(b) of the representative “Order – Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, Paper 7. *Id.* ¶¶ 1-11; see Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 4) at 2.

IV. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Nomadix hereby moves for an Order allowing Kendall M. Loebbaka of Knobbe Martens Olson & Bear LLP to appear *pro hac vice* as additional backup counsel on behalf of Nomadix in the above-captioned case.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 4, 2019

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