

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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GoPro, Inc., Garmin Int'l, Inc. and Garmin USA, Inc.,

Petitioners

v.

Cellspin Soft, Inc.,

Patent Owner

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CASE: IPR2019-01107  
Patent No. 9,258,698

**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*  
ADMISSION OF KARINEH KHACHATOURIAN  
UNDER 37 C.F.R. § 42.10(c)**

Unopposed Motion for *Pro Hac Vice* Admission of Karineh Khachatourian

## **I. STATEMENT OF PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c) authorizing the petitioner to file motions for *pro hac vice* admission, GoPro Inc. requests that the Patent Trial and Appeal Board (the “Board”) admit Karineh Khachatourian *pro hac vice* in this proceeding, IPR2019-01107.

## **II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* DURING THE PROCEEDING**

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice*, subject to the condition that lead counsel be a registered practitioner and to any other conditions that the Board may impose. Section 42.10(c) provides that “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.” See *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013). The following facts establish good cause for the Board to recognize Karineh Khachatourian *pro hac vice* in this proceeding:

1. The undersigned, David T. Xue, lead counsel in this proceeding, is a registered practitioner.

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2. Ms. Khachatourian is a partner at Rimon Law and manages the Palo Alto office. In addition, Ms. Khachatourian is an experienced patent litigator of more than twenty years, and has represented GoPro in patent litigation and PTAB proceedings for the last six years. Ms. Khachatourian is a member in good standing of the California Bar, and has never been suspended, disbarred, sanctioned, cited for contempt of court, or had a court or administrative body deny her application for admission to practice. Ms. Khachatourian has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in Part 42 of Title 37 of the C.F.R., and understands that she 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).

3. Ms. Khachatourian has applied to appear *pro hac vice* in twelve other Board, or United States Patent and Trademark Office ("USPTO"), proceedings as listed in the accompanying Declaration of Ms. Khachatourian (Exhibit 1035).

4. Ms. Khachatourian has established familiarity with the subject matter at issue in this proceeding from her participation as lead trial counsel in co-pending litigation involving the subject patent. Specifically, U.S. Patent No. 9,258,698 is currently asserted against Petitioner in co-pending litigation captioned *Cellspin Soft, Inc., v. GoPro Inc.*, Case No. 4:17-cv-05939 (N.D. Cal.) (filed Mar. 2, 2018) ("the co-pending litigation"). Ms. Khachatourian has been representing the

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Petitioner as lead counsel in the co-pending litigation since its inception, and has been actively involved in all aspects of the case. Ms. Khachatourian has also represented Petitioner before the Federal Circuit involving Cellspin's appeal of the district court's order invalidating the patent at issue based on 35 U.S.C. § 101 grounds.

5. As part of her participation in the co-pending litigation involving the subject patent, Ms. Khachatourian is familiar with the subject matter of the claimed invention. Moreover, Petitioner has hired Ms. Khachatourian to represent it in this Petition because of her litigation and PTAB experience. Ms. Khachatourian also participated in the preparation of GoPro's Petition, and is familiar with the prior art references based on that preparation. Petitioner wishes to apply Ms. Khachatourian's knowledge concerning the patent and her experience generally in patent law and working for GoPro by employing her as counsel in this proceeding. Moreover, admission of Ms. Khachatourian *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

6. Petitioner's lead counsel, David T. Xue, is a registered practitioner and Ms. Khachatourian is an experienced patent litigation attorney having established familiarity with the subject matter at issue in this proceeding.

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

7. While Patent Owner and Canon are represented by counsel who have been involved in all aspects of the underlying litigation, including the appeal to the Federal Circuit of the district court's Section 101 ruling, Ms. Khachatourian is the only member of the GoPro/Garmin team to have equal knowledge.

8. This Motion for *Pro Hac Vice* Admission is supported by a Declaration of Ms. Khachatourian (Exhibit 1035).

9. Counsel for Patent Owner initially indicated that it opposed Ms. Khachatourian appearing *pro hac vice* during this proceeding. Patent Owner has advised that "GoPro's stated desire to have its litigation counsel admitted *pro hac vice* seems at odds with the limited role for which it states intention to occupy." Patent Owner further stated that "Including in view of what GoPro proposes as such a limited role in the proceeding, in view of the fact that Canon's litigation counsel are already involved, and in view of the fact that Garmin's litigation counsel is proposing to be involved as well, Cellspin isn't understanding why GoPro's litigation counsel needs to be admitted *pro hac*, especially at this stage but later as well." Counsel for Patent Owner then indicated thereafter that "After further discussion and consideration, Cellspin is not opposing your upcoming *pro hac vice* application. (Exhibit 1035, A).

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