

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAYPAL, INC.
UPWORK GLOBAL INC.
SHOPIFY, INC.
SHOPIFY (USA), INC.
STRAVA INC.
VALASSIS COMMUNICATIONS, INC.
RETAILMENOT, INC.
DOLLAR SHAVE CLUB, INC.
Petitioners

v.

PERSONALWEB TECHNOLOGIES, LLC
LEVEL 3 COMMUNICATIONS, LLC
Patent Owners

Case IPR2019-01111
Patent 7,802,310

**PATENT OWNER'S MOTION FOR
PRO HAC VICE ADMISSION OF LAWRENCE M. HADLEY**

EXHIBITS

EX. #	Exhibit Description
2001	Declaration of Lawrence M. Hadley in Support of Patent Owner's Motion for <i>Pro Hac Vice</i> Admission

Patent Owner PersonalWeb Technologies, LLC (“PersonalWeb” or “Patent Owner”) respectfully requests that the Board recognize and admit Lawrence M. Hadley as counsel *pro hac vice* to represent PersonalWeb during the above-captioned proceeding. This motion is authorized by the Notice of Filing Date Accorded that was mailed on June 5, 2019. The bases and support for PersonalWeb’s requests are as follows.

I. TIMING OF PERSONALWEB’S REQUEST

PersonalWeb’s motion is being filed no sooner than twenty-one (21) days after the service of the petition.

II. GOOD CAUSE BASIS FOR PERSONALWEB’S REQUEST

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner and a declaration of the party seeking admission is included with the Request. 37 C.F.R. § 42.10(c). Good cause has been shown where, for example, the attorney for which *pro hac vice* admission is sought is an experienced patent litigator and has a familiarity with the subject matter at issue in the proceeding, and the admission of the party’s counsel will facilitate the party’s ability to effectively participate in the proceeding. PersonalWeb respectfully submits that all of these conditions have been met here.

PersonalWeb's lead counsel, Joseph A. Rhoa, is a registered practitioner. See Exhibit 2001, Declaration of Lawrence M. Hadley in Support of Patent Owner's Motion for *Pro Hac Vice* Admission ("Hadley Decl."), at ¶ 13.

As demonstrated by his declaration, Mr. Hadley is an experienced litigator who has litigated patent infringement cases for various parties in federal district courts throughout the United States, the U.S. Court of Appeals for the Federal Circuit, and the International Trade Commission. *Id.* at ¶¶ 4-5. His legal career spans over twenty-five (25) years. See *id.* at ¶ 3. Mr. Hadley has extensive experience in litigating patent infringement cases, and has served as lead counsel in numerous patent infringement cases. *Id.* at ¶ 5.

Mr. Hadley is familiar with the subject matter of this proceeding involving U.S. Patent No. 7,802,310 ("the '310 Patent"). He currently is lead trial counsel for PersonalWeb in two pending district court actions, namely, *PersonalWeb Techs. LLC et al. v. EMC Corporation et al.*, 5-13-cv-01358 (N.D. Cal.) and *PersonalWeb Techs. LLC et al. v. Facebook Inc.*, 5-13-cv-01356 (N.D. Cal.), each involving '310 Patent family members and the '310 Patent itself. Hadley Decl. at ¶ 6. Additionally, Mr. Hadley has been lead trial counsel for PersonalWeb in prior district court actions, each of which involved one or more family member patents and/or the '310 Patent itself. *Id.* For example, Mr. Hadley was lead trial counsel

in *PersonalWeb Techs. LLC et al. v. Int'l Bus. Machs. Corp.*, 5-16-cv-01266 (N.D. Cal.) and *PersonalWeb Techs. LLC et al. v. Rackspace US, Inc. et al.*, 5-16-cv-01267 (N.D. Cal.), both of which involved the '310 Patent. *Id.* Finally, Mr. Hadley was lead appellate counsel for PersonalWeb for its two appeals to the Court of Appeals for the Federal Circuit in connection with IPR2013-00596 filed by Apple, Inc., which involved the '310 Patent. *Id.*; *see also Pers. Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987 (Fed. Cir. 2017) (*PersonalWeb I*) (affirming the Board's claim construction, vacating the Board's Final Written Decision regarding obviousness of the appealed claims, and remanding for further proceedings); *PersonalWeb Techs., LLC v. Apple, Inc.*, 917 F.3d 1376 (Fed. Cir. 2019) (*PersonalWeb II*) (reversing the Board's finding of obviousness).

During the course of these actions, Mr. Hadley has become highly familiar with the invention claimed in the '310 Patent and its family member patents, the technology relevant to the '310 Patent and its family member patents, the prosecution history of the '310 Patent and its family member patents, the prior art to the '310 Patent and its family member patents, including prior art relied-upon in the four (4) other new IPRs filed by the Petitioners on May 14, 2019, the prior Apple challenge to the '310 Patent that resulted in two published Federal Circuit decisions, the arguments concerning the validity of the '310 Patent and its family

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