

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCED MICRO DEVICES, INC.

Petitioner

v.

AQUILA INNOVATIONS INC.

Patent Owner

Case IPR2019-01526

Patent 6,895,519

**MOTION FOR *PRO HAC VICE* ADMISSION OF ROBERT E. FREITAS
PURSUANT TO 37 C.F.R. § 42.10**

Pursuant to 37 C.F.R. § 42.10 and in response to the authorization provided by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“Board”) in the Notice of Filing Date Accorded to Petition (Paper No. 5, entered September 25, 2019, and Paper No. 4, entered September 19, 2019) Patent Owner Aquila Innovations Inc. (“Patent Owner”) submits this motion for Mr. Freitas to appear *pro hac vice*.

I. *Time for Filing*

Pursuant to the Notice of Filing Date Accorded to Petition (Paper No. 5, entered September 25, 2019, and Paper No. 4, entered September 19, 2019), this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

II. *Statement of Facts*

The following statement of facts, supported by the attached Declaration of Robert E. Freitas, shows that there is good cause for the Board to recognize Mr. Freitas *pro hac vice*. Lead counsel for this proceeding, Jing H. Cherng, is a registered practitioner (Reg. No. 68,144). Mr. Freitas is an experienced litigation attorney, and has served as counsel in numerous patent infringement cases in various district courts and the International Trade Commission. Mr. Freitas has not been suspended or disbarred from practice, and he has not had any application for admission to practice denied, or had any sanctions or contempt citations imposed

against him. Mr. Freitas is an active member in good standing of the California Bar and is admitted to practice before the Supreme Court of the United States, the California Supreme Court, the United States Court of Federal Claims, the United States Courts of Appeals for the Federal Circuit, Fifth Circuit, Ninth Circuit, and Tenth Circuit, and various United States district courts and the International Trade. His mailing address is Freitas & Weinberg LLP, 350 Marine Parkway, Suite 200, Redwood Shores, California 94065, his email address is rfreitas@fawlaw.com, and his direct dial telephone number is (650) 730-5527.

Mr. Freitas is lead counsel for Patent Owner in *Aquila Innovations Inc. v. Advanced Micro Devices, Inc.*, No. 1:18-cv-0554-LY, co-pending litigation in the United States District Court for the Western District of Texas, Austin Division. That litigation involves U.S. Patent 6,895,519 (“’519 patent”), the patent at issue in this proceeding. In his role as counsel in the co-pending litigation, Mr. Freitas has reviewed the ’519 patent, the asserted references, and the invalidity claim charts. Further, Mr. Freitas is familiar with the factual and legal matters at issue in that case, including the claim construction issues presented in the co-pending litigation. Mr. Freitas has thus established familiarity with the subject matter at issue in this proceeding.

Mr. Freitas has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials Before the Patent Trial and

Appeal Board set forth in part 42 of 37 C.F.R., and he agrees to 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). In the past three (3) years, Mr. Freitas has applied to appear *pro hac vice* before the Office in *Advanced Micro Devices, Inc. v. Aquila Innovations, Inc.*, IPR2019-01526. As of the date of this filing, the application is still pending. Mr. Freitas was granted *pro hac vice* admission in *Advanced Micro Devices, Inc. v. Polaris Innovations Limited*, IPR2019-01527 and *Advanced Micro Devices, Inc. v. Polaris Innovations Limited*, IPR2019-01514.

Patent Owner has expended significant resources in the co-pending litigation with Mr. Freitas as lead counsel, and Patent Owner wishes Mr. Freitas to represent it in this proceeding.

III. *Affidavit or Declaration of Individual Seeking to Appear*

This motion for *pro hac vice* admission is accompanied by a Declaration of Mr. Freitas as required by the Order.

IV. *Conclusion*

The facts contained in the Statement of Facts above, and contained in the Declaration of Mr. Freitas, establish that there is good cause to admit Mr. Freitas *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c).

Date: December 26, 2019

/Jing H. Cherng/

Jing H. Cherng

Reg. No. 68,144

Counsel for Patent Owner

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