

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LBT IP I, LLC,
Patent Owner.

Case IPR2020-01191
U.S. Patent No. 8,102,256

PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION PURSUANT TO 37 C.F.R. § 42.10(C)

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner LBT IP I LLC (“Patent Owner” or “LBT”) respectfully requests that the Board recognize Brian S. Seal as counsel *pro hac vice* in this proceeding. Patent Owner’s lead counsel in this proceeding is a registered practitioner and, as illustrated below, Mr. Seal is an experienced litigator with an established familiarity with this proceeding’s subject matter. Thus, there is good cause for the Board to recognize Mr. Seal *pro hac vice* in this proceeding. Counsel for Petitioner has indicated that it does not oppose this motion.

II. TIME FOR FILING

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty-one (21) days after service of the petition. *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013).

III. STATEMENT OF FACTS

Patent Owner's lead and back-up counsel are registered practitioners. Where lead counsel is a registered practitioner, the Board may permit a nonregistered practitioner to appear *pro hac vice* "upon a showing that counsel is an experienced litigating attorney and has established familiarity with the subject matter at issue in the proceeding." 37 C.F.R. §42.10(c); *Unified Patents*, Case IPR2013-00639, Paper 7 (setting forth requirements for *pro hac vice* admission). As set forth in his Declaration submitted herewith (Ex. 3003), Mr. Seal is an experienced litigator. He is a shareholder in the firm of Butzel Long PC with over 20 years of experience representing clients in patent and technology-related litigation, including matters involving similar technology to that at issue in this proceeding. Ex. 3003 at ¶ 9.

Mr. Seal has litigated patent matters through trial and appeal and has argued complex claim construction and invalidity issues in numerous district court proceedings. *Id.* Mr. Seal is also familiar with the subject matter of this proceeding. *Id.* at ¶ 10. He is lead counsel counsel for Patent Owner in the related district court

litigation on the patent at issue in this *inter partes* review, U.S. Patent No. 8,102,256 (“’256 Patent”). *Id.* As such, he has reviewed and analyzed the ’256 Patent. *Id.*

Based on his work in the district court litigation and the other facts detailed in his declaration, Mr. Seal has significant familiarity with the subject matter in this proceeding. Patent Owner wishes to apply Mr. Seal’s knowledge of the patent and litigation experience by employing him as counsel in this proceeding. Admission of Mr. Seal *pro hac vice* will enable Patent Owner to avoid unnecessary expense and duplication of work. Ex. 3003 at ¶11.

Because Mr. Seal is an experienced practitioner with an established familiarity with the subject matter of this proceeding, Patent Owner respectfully submits that there is good cause under 37 C.F.R. § 42.10(c) to recognize him as counsel *pro hac vice* during this proceeding.

IV. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This motion for *Pro Hac Vice* Admission is supported by the accompanying Declaration of Brian S. Seal (Ex. 3003), demonstrating that Mr. Seal meets the requirements specified in *Unified Patents*, IPR2013-00639, Paper 7. Id. at ¶¶2-11.

Respectfully submitted,

BUTZEL LONG, P.C.

/Mitchell S. Zajac/

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Registration No. 76,818

Lead Counsel for Patent Owner

Date: May 11, 2021

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the foregoing PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION PURSUANT TO 37 C.F.R. § 42.10(C) is being served electronically via e-mail on May 11, 2021, in its entirety on the following counsel of record for Petitioners:

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Respectfully submitted,

BUTZEL LONG, PC

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