

IPR2020-001449

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner

v.

FG SRC LLC,
Patent Owner

Patent No. 7,149,867

**PATENT OWNER'S MOTION FOR
PRO HAC VICE ADMISION OF HENNING SCHMIDT**

Patent Owner FG SRC LLC (“Patent Owner”) respectfully requests that the Board recognize and admit Henning Schmidt as counsel *pro hac vice* to represent Patent Owner during the above-captioned proceeding. The bases and support for Patent Owner’s requests are as follows.

1. Timing of Patent Owner’s Request

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

2. Good Cause Bases for Patent Owner’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. Patent Owner respectfully submits that all of these conditions have been met here.

Patent Owner’s lead counsel, Jay P. Kesan, is a registered practitioner. As demonstrated by his declaration, Mr. Schmidt is an experienced litigator who has litigated patent infringement cases for various parties in federal district courts

throughout the United States and before the Court of Appeals for the Federal Circuit. *Id.* at ¶¶ 2-7. Mr. Schmidt’s legal career spans approximately fifteen (15) years. *See Id.* at ¶ 2. Mr. Schmidt has extensive experience in litigating patent infringement cases including serving as lead counsel. *Id.* at ¶ 6. Mr. Schmidt has been previously practiced and argued before the Board. *Id.* at ¶ 11.

Mr. Schmidt has read and is familiar with the patent at issue in this proceeding and its file history, as well as the prior art and other arguments that have been asserted by Petitioner. *Id.* at ¶ 12.

Patent Owner submits that Mr. Schmidt’s participation will assist it and its lead counsel in effectively participating in this proceeding and will facilitate timely completion of the trial proceeding.

Mr. Schmidt has never been suspended, disbarred, sanctioned, or cited for contempt by any court or administrative body, and has never had an application for admission to practice before a court or agency denied. *Id.* at ¶¶ 7 – 8. Mr. Schmidt is a member in good standing of the Bar of Texas. *Id.* at ¶ 2. Mr. Schmidt agrees to be subject to the Office Patent Trial Practice Guide, the Board’s Rules of Practice for Trials set forth in part 42 of 37 C.F.R, and the USPTO’s Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*, and submit to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶¶ 9 – 10.

3. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the PTAB recognize Henning Schmidt as its counsel, *pro hac vice*, in this proceeding.

Date: April 27, 2021

Respectfully submitted,

/Jay P. Kesan /

Jay P. Kesan, Reg. No. 37,488

jkesan@dimuro.com

DIMUROGINSBERG, PC

DGKEYIP GROUP

1750 Tyson's Blvd., Suite 1500

Tysons Corner, VA 22102

Telephone: (703) 289-5118

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(3)(1), 42.6(e)(4), and 42.25(b), the undersigned certifies that a complete copy of *Patent Owner's Motion for Pro Hac Vice Admission of Henning Schmidt* was filed electronically through the Patent Trial and Appeal Board's PTAB E2E System and provided, via electronic service, to the Petitioner by serving the correspondence address of record as follows:

Brian C. Nash
PILLSBURY WINTHROP SHAW PITTMAN LLP
401 Congress Avenue, Suite 1700
Austin, TX 78701
brian.nash@pillsburylaw.com

Dated: April 27, 2021

/Jay P. Kesan /
Jay P. Kesan
Reg. No. 38,488