

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED MATERIALS, INC.
Petitioner,

v.

DEMARAY LLC
Patent Owner.

Case IPR2021-00104

Patent No. 7,381,657

**DEMARAY LLC'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF DARISH HUYNH UNDER 37 C.F.R. § 42.10(c)**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Demaray LLC, by and through its attorneys, respectfully requests that the Board admit Darish Huynh *pro hac vice* in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

37 C.F.R. § 42.10(c) states as follows:

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, 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.

STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Darish Huynh submitted herewith (Exhibit 2008), Demaray LLC submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Darish Huynh in this proceeding:

1. Petitioner's Lead Counsel, H. Annita Zhong, is a registered practitioner (Reg. No. 66,530). First Back-up Counsel, C. Maclain Wells, is also a registered practitioner (Reg. No. 48,991) and Back-up Counsel, Benjamin Hattenbach, is also a registered practitioner (Reg. No. 41,820).
2. Mr. Huynh is an associate at the law firm of Irell & Manella LLP. Ex. 2008 ¶ 3.
3. Mr. Huynh is a litigating attorney and has been litigating cases relating to patents for roughly 20 months. *Id.* ¶ 4.
4. Mr. Huynh is a member in good standing of the California State Bar, and has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 5.
5. No application filed by Mr. Huynh for admission to practice before any court or administrative body has ever been denied. *Id.* ¶ 6.

6. No sanctions or contempt citations have been imposed against Mr. Huynh by any court or administrative body. *Id.* ¶ 7.
7. Mr. Huynh has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations. *Id.* ¶ 8.
8. Mr. Huynh understands that he will be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 9.
9. Mr. Huynh has never appeared *pro hac vice* before the United States Patent and Trademark Office. *Id.* ¶ 10.
10. Mr. Huynh is also concurrently applying for *pro hac vice* admission in IPR2021-00103. *Id.* ¶ 11.
11. Mr. Huynh has an established familiarity with the subject matter at issue in this proceeding. *Id.* ¶ 12. Mr. Huynh is involved in the related civil actions, *Demaray, LLC v. Intel Corporation*, Case No. 20-cv-00634 (W.D. Tex) and *Demaray LLC v. Samsung Electronics Co., Ltd. et al.*, Case No. 6:20-cv-00636 (W.D. Tex) involving the '657 patent, which is at the issue in this proceeding. *Id.* Mr. Huynh has acquired a substantial understanding of the underlying legal and technological

issues at stake in the related proceeding, including issues related to validity of the '657 patent. *Id.* Patent Owner has expended significant time and resources with Mr. Huynh and wishes to continue using Mr. Huynh as counsel in this proceeding as appropriate. *Id.*

III. GOOD CAUSE EXISTS FOR *PRO HAC VICE* ADMISSION OF DARISH HUYNH

The facts outlined above in the Statement of Facts, and contained in the Declaration of Darish Huynh (Ex. 2008), establish that there is good cause to admit Mr. Huynh *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Patent Owner's lead counsel, first back-up counsel and back-up counsel are registered practitioners. Mr. Huynh is an experienced litigating attorney and has an established familiarity with the subject matter at issue.

IV. NO OPPOSITION TO THE MOTION

Patent Owner has conferred with Petitioner with regard to this Motion, and Petitioner confirmed that it would not oppose the motion.

V. CONCLUSION

In light of the foregoing, Patent Owner respectfully requests that the Board admit Darish Huynh *pro hac vice* in this proceeding.

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