

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED and
ZYXEL COMMUNICATIONS CORPORATION¹,

Petitioners,

v.

UNM RAINFOREST INNOVATIONS,

Patent Owner.

PTAB Case No. IPR2021-00375
Patent 8,265,096 B2

**PATENT OWNER'S MOTION FOR
PRO HAC VICE ADMISSION OF CECIL E. KEY**

¹ ZyXEL Communications Corporation was joined as a petitioner in this proceeding based on a petition and motion for joinder filed in IPR2021-00734, which were granted.

I. RELIEF REQUESTED

Patent Owner UNM Rainforest Innovations (“UNMRI” or “Patent Owner”) respectfully requests that the Board recognize and admit Cecil E. Key as counsel *pro hac vice* to represent UNMRI during the above-captioned proceeding. The bases and support for UNMRI’s requests are as follows.

II. TIMING OF UNMRI’S REQUEST

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

III. GOOD CAUSE BASES FOR UNMRI’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. UNMRI respectfully submits that all of these conditions have been met here.

UNMRI’s lead counsel, Jay P. Kesan, is a registered practitioner. As demonstrated by his declaration, Mr. Key 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 ¶¶ 3-7. Mr. Key's legal career spans over twenty (20) years. *See Id.* at ¶ 2. Mr. Key has extensive experience in litigating patent infringement cases, and has served as lead counsel in such cases. *Id.* at ¶ 6. Mr. Key has been previously admitted to practice *pro hac vice* before the Board on several occasions. Mr. Key has previously been admitted to practice *pro hac vice* in *ZTE (USA), Inc. v. CyWee Group Ltd.*, IPR2019-00143, *Google LLC v. CyWee Group Ltd.*, IPR2018-01257, *Google LLC v. CyWee Group Ltd.*, IPR2018-01258, *Unified Patents Inc., v. Vilox Technologies LLC*, IPR2018-00044, *Salesforce.com, Inc. v. VirtualAgility Inc.*, CBM2013-00024; and *Intel Corporation v. FG SRC LLC*, IPR2020-01449. Mr. Key has argued before the Board on several occasions in these matters and participated in trials of the matters before the Board. *Id.* at ¶ 11.

Mr. Key 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.

UNMRI submits that Mr. Key'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. Key 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. Key is a member in good standing of the Bars of Virginia and the District of Columbia. *Id.* at ¶ 2. Mr. Key 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.

IV. CONCLUSION

For the foregoing reasons, UNMRI respectfully requests that the PTAB recognize Cecil E. Key as its counsel, *pro hac vice*, in this proceeding.

Dated: April 28, 2022

Respectfully submitted,

/Jay P. Kesan/

Jay P. Kesan Reg. No. 37,488

*Counsel for Patent Owner UNM
Rainforest Innovations*

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 Cecil E. Key* 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:

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Dated: April 28, 2022

/s/ Jay P. Kesan

Jay P. Kesan

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