

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MEMORYWEB, LLC,
Patent Owner.

Case No. IPR2022-00031
U.S. Patent No. 10,621,228

**PETITIONER'S MOTION
FOR *PRO HAC VICE* ADMISSION OF LEIF E. PETERSON, II**

Petitioner Apple Inc. (“Apple”) respectfully requests that the Board recognize Leif E. Peterson, II, Esq. as *pro hac vice* and as an associate agent of Apple’s counsel of record designated under its Power of Attorney (Paper 39) for Apple in this proceeding.

I. BACKGROUND

Apple’s Motion for *Pro Hac Vice* Admission is being filed pursuant to and in compliance with the Notice of Filing Date Accorded to Petition, which was filed November 23, 2021 (Paper 5) (the “Notice”). The Notice authorizes parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Further to the Notice, such “motions shall be filed in accordance with the ‘Order – Authorizing Motion for *Pro Hac Vice* Admission’ in Case IPR2013-00639.” *Unified Patents, Inc. v. Parallel Iron, LLC*, Case No. IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (the “Order”). Patent Owner has confirmed it does not oppose this Motion.

II. TIME OF FILING

This Motion for *Pro Hac Vice* Admission is being filed in accordance with the Order, and is filed greater than 21 days after service of the Petition.

III. STATEMENT OF FACTS

As required by the Order, the following statement of facts, supported by the attached Declaration of Leif E. Peterson, II in Support of Motion for *Pro Hac Vice* Admission (Ex. 1101, “Peterson Declaration”), shows that there is good cause for

the Patent Trial and Appeal Board (“Board”) to recognize Mr. Peterson *pro hac vice* in this proceeding. As required by 37 C.F.R. § 42.10(c), Apple’s lead counsel, Jeffrey P. Kushan, is a registered practitioner and experienced in proceedings before the USPTO.

Mr. Peterson is an experienced litigation attorney. Mr. Peterson has been a litigating attorney for more than 9 years and has been involved in numerous patent litigation cases in federal courts. Mr. Peterson’s experience includes representing a wide range of clients in complex intellectual property litigation, and he has appeared in a number of litigation matters before various Appellate and District Courts. This will be Mr. Peterson’s first appearance *pro hac vice* before the Board.

Mr. Peterson is a member in good standing of the Illinois State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations. Mr. Peterson is admitted to practice before the United States Court of Appeals for the Federal Circuit, the United States District Court for the Northern District of Illinois, and the United States District Court for the Western District of Michigan.

Mr. Peterson’s mailing address is: Sidley Austin LLP, 1 South Dearborn, Chicago, IL 60603; his email address is: leif.peterson@sidley.com; and his direct dial is: (312) 853-7190.

Mr. Peterson has worked with lead counsel in connection with this proceeding. As such, he has reviewed and is familiar with (i) U.S. Patent No. 10,621,228, the patent at issue in this and related district court proceedings, (ii) the legal and factual arguments that have been put forth by Petitioner, and (iii) the developments in this proceeding since the filing of the Petition. Mr. Peterson. has fully familiarized himself with the Board's established practices. Accordingly, he has established familiarity with the subject matter at issue in these proceedings and the conduct of these proceedings to date.

Mr. Peterson has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials 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. §§ 11.01 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

IV. ANALYSIS

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

registered practitioner, and Mr. Peterson is an experienced litigating attorney with an established familiarity with the subject matter at issue in this proceeding.

V. CONCLUSION

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Peterson as *Pro Hac Vice* counsel and as an associate agent for Petitioner during these proceedings. Apple's Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Leif E. Peterson, II, as required by the Order.

Dated: September 18, 2023

Respectfully Submitted,

/Jeffrey P. Kushan/
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