

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

BILLJCO LLC,

Patent Owner

CASE: IPR2022-00131

U.S. PATENT NO. 8,639,267

PATENT OWNER, BILLJCO, LLC's MOTION FOR PRO HAC
ADMISSION OF COURTLAND C. MERRILL UNDER 37 C.F.R. § 42.10(c)

EXHIBIT LIST

Ex. No.	Description
2001	Amended Memorandum and Opinion & Order Denying Defendant Apple Inc.'s Motion to Transfer Venue [Public Version]
2002	LegalMetrics District Report for Texas Western District Court from January 2017 to September 2021
2003	Claim Construction Order
2004	Complaint
2005	Summons Returned by Apple
2006	Apple, Inc.'s Preliminary Invalidity Contentions
2007	MCGraw-Hill Dictionary of Scientific and Technical Terms
2008	Affidavit of Courtland C. Merrill in Support of <i>Pro Hac Vice</i> Admission Under 37 C.F.R. § 42.10 (c)

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10 (c), the undersigned, on behalf of the Patent Owner, BillJCo, LLC (“BillJCo”), hereby respectfully requests the *pro hac vice* admission of Courtland C. Merrill in this proceeding,

II GOVERNING LAW, RULES AND PRECEDENT

Section § 42.10 (c) of 37 C.F.R. provides 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.

The Board has advised that any motion for *pro hac vice* admission under 37 C.F.R. § 42.10 (c) must be filed in accordance with the “Order—Authorizing Motion for *Pro Hac Vice* Admission” entered in Case IPR2013-00639, Paper 7 (“*Unified Patents Order*”).

The Unified Patents Order requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding;” “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following”:

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rule of Practice for Trials set forth in part 42 of 37 C.F.R.;
- vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

(See *Unified Patents Order*, p.3.)

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Affidavit of Courtland C. Merrill, submitted herewith as Exhibit 2008, Patent Owner, BillJCo, LLC requests *pro hac vice* admission of Mr. Merrill in this proceeding:

1. Patent Owner, BillJCo, LLC's lead counsel, Brian R. Michalek, is a registered practitioner (Reg.No. 65,816).
2. Mr. Merrill is an attorney at the law firm Saul Ewing Arnstein & Lehr, LLP. (Ex. 2008 at ¶ 3).
3. Mr. Merrill is an experienced trial attorney whose practice focuses exclusively on business and intellectual property disputes. (*Id.* at ¶ 4).

Mr. Merrill has been an intellectual property litigation attorney for nearly 20 years, and has been litigating patent cases involving a variety of technologies during that entire time period. (*Id.*) Mr. Merrill has litigated numerous patent disputes involving the legal concepts of both infringement and validity, and has significant experience in all aspects of litigation, including depositions, claim construction proceedings and various stages of trial. (*Id.*).

4. Mr. Merrill is a member of good standing of the Bars of: Minnesota, Wisconsin, the United State District Court of the District of Minnesota, The United States District Court for the Eastern District of Wisconsin, the United States Court of Appeals for the Eighth Circuit, and the United States Court of Appeals for the Federal Circuit. (Ex. 2008 at ¶5).
5. Mr. Merrill has never been suspended or disbarred from practice before any court or administrative body. (*Id.* at ¶6).
6. No application of Mr. Merrill for admission to practice before any court or administrative body has ever been ultimately denied. (*Id.* at ¶7).
7. No sanctions or contempt citations have ever been imposed against Mr. Merrill by any court or administrative body. (*Id.* at ¶8).

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.