

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

**HEWLETT PACKARD ENTERPRISE CO.,
ARUBA NETWORKS, LLC,
APPLE INC.,
Petitioner**

v.

**BILLJCO LLC,
Patent Owner**

CASE: IPR2022-00426

U.S. PATENT NO. 8,761,804 B2

**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	Memorandum Opinion & Order Denying the Motion to Transfer Venue of Defendants Hewlett Packard Enterprise Co., Aruba Networks, LLC and Cisco Systems, Inc., Filed February 16, 2022 (E.D. Tex.)
2002	Memorandum Opinion & Order Denying Apple Inc.'s Motion to Transfer Venue filed February 24, 2022 (Public Version) (W.D. Tex)
2003	LegalMetric District Report Texas Western District Court in Patent Cases, January 2017-September 2021
2004	LegalMetric District Report Texas Eastern District Court in Patent Cases, January 2017-September 2021
2005	Order Granting Joint Motion to Dismiss Claims of Patent Owner and Cisco Systems, Inc. with Prejudice (E.D. Tex.)
2006	Claim Construction Order filed February 24, 2022 (W.D. Tex.)
2007	Claim Construction Order March 23, 2022 (W.D. Tex.)
2008	Complaint for Patent Infringement filed May 25, 2021 (W.D. Tex.)
2009	Claim Construction Memorandum Opinion and Order March 14, 2022 (E.D. Tex.)
2010	BillJCo's Motion to Compel (Redacted Copy) (E.D. Tex.)
2011	Defendants, Hewlett Packard Enterprise Company and Aruba Networks, LLC' Motion to Compel Discovery (Redacted Copy) (E.D. Tex.)
2012	Affidavit of Service of Apple Inc. on May 28, 2021 (W.D. Tex.)
2013	Affidavit of Service of Cisco Systems, Inc. on May 26, 2021 (E.D. Tex.)
2014	Affidavit of Service of Hewlett Packard Enterprise Company on May 25, 2021 (E.D. Tex.)
2015	Affidavit of Service of Aruba Networks on May 25, 2021 (E.D. Tex.)
2016	Apple Inc.'s Preliminary Invalidity Contentions (W.D. Tex.)
2017	Defendants' Preliminary Invalidity Contentions (E.D. Tex.)
2018	First Amended Docket Control Order (E.D. Tex.)
2019	Complaint for Patent Infringement filed May 25, 2021 (Cisco System, Inc.) (E.D. Tex.)

2020	Complaint for Patent Infringement filed May 25, 2021 (Hewlett Packard Enterprise Company and Aruba Networks, LLC (E.D. Tex.))
2021	Apple Inc.'s Final Invalidity Contentions (W.D. Tex.) (pp 1097-1421)
2022	Order regarding Apple Inc.'s Motion to Dismiss (W.D. Tex.)
2023	Order regarding Mediation between Hewlett Packard Enterprise Company, Aruba Networks and Patent Owner (E.D. Tex.)
2024	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 2024, 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. 2024 at ¶ 3).

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