

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

GoTV Streaming, LLC,
Patent Owner.

Case IPR2023-00758
Patent 8,478,245

**PETITIONER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC*
VICE OF STEPHEN A. MARSHALL**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, Patent Owner Netflix, Inc., (“Netflix”) requests that the Board admit Stephen A. Marshall *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* DURING THE PROCEEDING

In accordance with 37 C.F.R. § 42.10(c), 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. “[W]here lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigation attorney and has an established familiarity with the subject matter at issue in the proceeding.” § 42.10(c). The facts, supported by the attached Declaration of Stephen A. Marshall in Support of Motion for Admission *Pro Hac Vice* (Paper 17), here establish good cause for the Board to recognize Stephen A. Marshall *pro hac vice* during this proceeding.

1. Lead counsel, Aliza George Carrano, is a registered practitioner.
2. Counsel, Stephen A. Marshall, is a Partner in the Intellectual Property Group at Willkie, Farr & Gallagher, LLP, and has been in the private practice of patent litigation for more than 17 years. Exhibit 1025, ¶ 8. He has an established familiarity with the legal issues involved in these proceedings based on his years of experience litigating patents. *Id.*

3. Mr. Marshall is a member in good standing of the Bars of the Commonwealth of Massachusetts and the District of Columbia, and is admitted to the United States District Court for the Eastern District of Texas, United States District Court for the Western District of Texas, United States District Court for the Eastern District of Wisconsin, United States District Court for the District of Massachusetts, United States Court of Appeals for the First Circuit, United States Court of Appeals for the Federal Circuit, and United States Court of Federal Claims. *Id.* at ¶ 1.

4. Mr. Marshall is concurrently applying to appear *pro hac vice* before the Office in IPR2023-00757 and IPR2023-00759, and in unrelated proceedings IPR2023-00628, IPR2023-00630, and IPR2023-00891. *Id.* at ¶ 7. He has not applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years. *Id.*

5. Mr. Marshall is familiar with the subject matter and Petition at issue in this proceeding, including the patent, its prosecution history, and the identified references. *Id.* at ¶ 9. He represents Netflix, Inc. in the following case, which is related to and involves the same patent at issue in this proceeding: *GoTV Streaming LLC v. Netflix, Inc.*, No. 2:22-cv-07556-RGK (C.D. Cal.) (filed October 17, 2022). *Id.*

6. Mr. Marshall has not been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶ 2. He has never had an application for admission to practice before any court or administrative body denied. *Id.* at ¶ 3. No sanction or contempt citation has been imposed against me by any court or administrative body. *Id.* at ¶ 4. He has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R. *Id.* at ¶ 5. He agrees to be subject to the United States Patent and Trademark Office 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). *Id.* at ¶ 6.

III. CONCLUSION

For the foregoing reasons, Netflix respectfully requests that the Board admit Stephen A. Marshall *pro hac vice* in this proceeding.

Dated: December 19, 2023

Respectfully submitted,

/s/ Aliza George Carrano
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6 the undersigned certifies that on December 19, 2023 a copy of the foregoing document was served by email upon the following:

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/s/ Aliza George Carrano
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