

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALTRICS, LLC
Petitioner

v.

OPINIONLAB, INC.
Patent Owner

Case IPR2014-00366
U.S. Patent 8,041,805

**PETITIONER QUALTRICS, LLC'S MOTION FOR *PRO HAC VICE*
ADMISSION OF PHILIP X. WANG UNDER 37 C.F.R. § 42.10(c)**

FILED VIA PRPS

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 4), Petitioner Qualtrics, LLC (“Petitioner”) respectfully requests the *pro hac vice* admission of attorney Philip X. Wang, Esq. in this proceeding. Petitioner has conferred with counsel for OpinionLab, Inc. (the “Patent Owner”), who does not oppose this motion.

II. LEGAL STANDARD

Pursuant to 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. 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 Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 4) further instructs:

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

(*Id.* at 3.) The above-referenced “Order -- Authorizing Motion for *Pro Hac Vice* Admission” further provides:

A motion for *pro hac vice* admission must:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
- b. Be 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 Rules 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.

(IPR2013-00639, Paper 7, at 3.) As set forth below, and in the accompanying declaration of Philip X. Wang ("Wang Decl."), each of these requirements is satisfied here.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE PHILIP X. WANG *PRO HAC VICE* IN THIS PROCEEDING

As an initial matter, Mr. Wang is a member in good standing of the State Bar of California (Bar No. 262239) and is also admitted to practice before the U.S. District Courts for the Central District of California and the Northern District of California, and the U.S. Court of Appeals for the Ninth Circuit. (Wang Decl., ¶ 2.) Mr. Wang has never been suspended or disbarred from practice before any court or administrative body. (*Id.* at ¶ 3.) No application of Mr. Wang for admission to practice before any court or administrative body has ever been denied. (*Id.*) No court or administrative body has imposed sanctions or contempt citations against Mr. Wang. (*Id.*) Mr. Wang has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R. (*Id.* at ¶ 4.) Mr. Wang acknowledges and agrees that he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et*

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