UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Under Armour Inc.

Petitioner

v.

adidas AG,

Patent Owner

Case No. IPR2015-01532
8,652,009

MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. § 42.10

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Patent Owner adidas AG ("Patent Owner") files this motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c), as authorized in the Notice of Filing Date Accorded, Paper No. 5. The Board requires that such motions be filed in accordance with the "Order – Authorizing Motion for Pro Hac Vice Admission" in Case IPR2013-00639, Paper 7 ("Order").

Patent Owner respectfully requests that the Board recognize Mr. Jonathan D. Olinger as counsel *pro hac vice* during this proceeding.

1. Time for Filing

This motion for *pro hac vice* admission is filed no sooner than twenty-one (21) days after service of the petition, as required by the Order.

2. Statement of Facts

The following statement of fact shows that there is good cause for the Board to recognize Mr. Olinger *pro hac vice*.

Mr. Olinger is an experienced litigation attorney, and has been involved in numerous litigations involving patent infringement in District Courts across the country. Mr. Olinger has experience in jury and bench trials, and *Markman* hearings. Mr. Olinger's biography is attached hereto as Exhibit 2001.

U.S. Patent No. 8,652,009 is currently asserted against Petitioner in *adidas AG v. Under Armour et al.*, Case No. 14-130 (D. Del.) ("the co-pending

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litigation"). Mr. Olinger is counsel for adidas AG in the co-pending litigation and, as such, has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation, Mr. Olinger has reviewed prior art, developed validity arguments, and currently is involved in expert discovery. Patent Owner has expended significant financial resources in the co-pending litigation with Mr. Olinger as counsel, and Patent Owner wishes to continue using Mr. Olinger as counsel in this proceeding.

Further, counsel for Petitioner does not oppose Mr. Olinger appearing *pro hac vice* during this proceeding.

Therefore, Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Olinger as counsel *pro hac vice* during this proceeding.

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by the declaration of Mr. Jonathan D. Olinger, as required by authorization of the Board.

Dated: October 22, 2015

Respectfully submitted,

/s/ *Mitchell G. Stockwell*
Mitchell G. Stockwell
Reg. No. 39,389
Lead Counsel for Patent Owner
adidas AG

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DECLARATION OF MR. JONATHAN D. OLINGER IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

I, Jonathan D. Olinger, am over eighteen years of age and would be competent to testify as to the matters set forth herein if called upon to do so.

1. I am a member in good standing of the state bar of Georgia, as well as the following Federal Courts:

a) U.S. District Court for the Northern District of Georgia;

b) U.S. District Court for the Eastern District of Texas; and

c) U.S. District Court for the District of Colorado

2. I have not been suspended or disbarred from practice before any court or administrative body.

3. I have never had an application for admission to practice before any court or administrative body denied.

4. No sanction or contempt citation has been imposed against me by any court or administrative body.

5. I have 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.

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6. I 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).

7. During the past 3 years I have applied to appear pro hac vice before the Office in no other proceedings.

8. I am familiar with the subject matter at issue in the proceeding. I am co-counsel for adidas AG in a co-pending litigation, *adidas AG v. Under Armour et al.*, Case No. 14-130 (D. Del.), in which U.S. Patent No. 8,652,009, is currently asserted against Petitioner Under Armour et al. In the co-pending litigation, I have reviewed prior art, developed infringement contentions, and currently am involved in expert discovery. I therefore have an established familiarity with the subject matter at issue in this proceeding, including the prior art on which Petitioner relied in this request.

9. I am an experienced litigation attorney, with experience in numerous litigations involving patent infringement in District Courts across the country, including experience in jury and bench trials, and *Markman* hearings. My biography is attached hereto as Exhibit 2001.

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