**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Apple Inc., Samsung Electronics Co. Ltd., and Samsung Electronics America, Inc.,
Petitioners,

v.

Rosetta-Wireless Corporation,
Patent Owner.

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Case IPR 2016-00616
Patent 7,149,511

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**PATENT OWNERS' MOTION FOR PRO HAC VICE ADMISSION OF MICHAEL NG PURSUANT TO 37 C.F.R. § 42.10(c)**

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# EXHIBIT LIST

**Petitioners' Exhibits**

| Exhibit | Description |
|---|---|
| Ex. AP-1001 | U.S. Patent No. 7,149,511 (challenged patent) |
| Ex. AP-1002 | Declaration of Dr. Nathaniel Polish |
| Ex. AP-1003 | Reexamination History of U.S. Patent No. 7,149,511 |
| Ex. AP-1004 | U.S. Patent No. 5,864,853 to Kimura et al. |
| Ex. AP-1005 | IEEE 100, THE AUTHORITATIVE DICTIONARY OF IEEE STANDARDS TERMS, 7th Ed. (2000) (excerpts) |
| Ex. AP-1006 | MICROSOFT COMPUTER DICTIONARY 5th Ed (2002) (excerpts) |
| Ex. AP-1007 | Patent Owner Rosetta's Initial Infringement Contentions served in Co-Pending Litigation (excerpts) |
| Ex. AP-1008 | U.S. 5,978,805 to Carson |
| Ex. AP-1009 | U.S. 5,845,293 to Veghte et al. |
| Ex. AP-1010 | U.S. 5,797,089 to Nguyen |
| Ex. AP-1011 | U.S. 6,222,726 to Cha |
| Ex. AP-1012 | Graham, THE FACTS ON FILE, DICTIONARY OF TELECOMMUNICATIONS (1983) (excerpts) |

**Patent Owner's Exhibits**

| Exhibit | Description |
|---|---|
| Ex. 2001 | Declaration of William H. Mangione-Smith, Ph.D. |
| Ex. 2002 | ATP Proposal Preparation Kit |
| Ex. 2003 | Email from David Nairn to Ed Bachner |
| Ex. 2004 | "Moving Toward a Future of Ubiquitous Computing," Technology@Intel Magazine |
| Ex. 2005 | "TECHNOLOGY; Verizon Plans Fast Internet for Cellphones," New York Times, Jan. 9, 2004. |
| Ex. 2006 | "Data Over Cellular: A Look at GPRS," Communication Systems Design, April 2000. |
| Ex. 2007 | Telecom & Networking Glossary, 1999. |
| Ex. 2008 | U.S. Patent Pub. 2001/0029178 to Criss et al. |
| Ex. 2009 | U.S. Patent No. 6,108,727 to Boals et al. |
| Ex. 2010 | Email from Sharon Shaffer to Keith Campbell |
| Ex. 2011 | ATP Project Brief: Wireless Replication of Enterprise Data for Instant Access by Mobile Workers |
| Ex. 2012 | "Wireless biz aims to link road warriors to office," Crain's Chicago Business, Jan. 14, 2002. |
| Ex. 2013 | Email chain between Sergio Fogel and Ed Bachner |
| Ex. 2014 | U.S. Patent No. 7,149,511 File History |
| Ex. 2015 | Declaration of Daniel A. Zaheer supporting motion for *pro hac vice* admission |
| Ex. 2016 | Declaration of Michael Ng supporting motion for *pro hac vice* admission |

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## PRELIMINARY STATEMENT

Pursuant to 37 C.F.R. § 42.10(c) of the Code of Federal Regulations ("Federal Regulations"), Patent Owner Rosetta-Wireless Corporation ("Patent Owner" or "Rosetta") respectfully requests the *pro hac vice* admission of Michael Ng as backup counsel for Rosetta in the current proceedings. The Petitioners Apple Inc., Samsung Electronics Co. Ltd., and Samsung Electronics America, Inc. ("Petitioners") were consulted regarding this request, and have indicated through counsel that they would not oppose. A declaration made by Mr. Ng in support of this motion is attached hereto as Exhibit 2016.

### I. Statement of Facts

1. Mr. Ng is a litigation attorney experienced in patent cases, and is admitted to practice law in California, New York, and Mississippi as well as multiple Federal Courts, including the following:

   a. United States District Court for the Northern District of California

   b. United States District Court for the Eastern District of California

   c. United States District Court for the Central District of California

   d. United States District Court for the Southern District of California

   e. United States District Court for the Eastern District of Texas

   f. United States District Court for the Northern District of Mississippi

   g. United States District Court for the Southern District of Mississippi

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h. United States District Court for the Southern District of New York

i. United States Court of the Appeals for the Second Circuit

j. United States Court of the Appeals for the Fifth Circuit

k. United States Court of the Appeals for the Ninth Circuit

l. United States Court of the Appeals for the Federal Circuit

m. United States Supreme Court

2. Mr. Ng has not had any application denied for admission to practice, nor has he been sanctioned, cited for contempt, suspended or disbarred from practice, before any court or administrative body.

3. Mr. Ng has an established familiarity with the subject matter at issue in this proceeding, having represented Rosetta in District Court proceedings involving the same technology (*Rosetta-Wireless Corp. v. Apple Inc. et al.*, No. 15-cv-00799, (N.D.Ill) and *Rosetta-Wireless Corp. v. Samsung Electronics Co., Ltd. et al.*, No. 15-cv-10605, (N.D.Ill)). Mr. Ng has carefully studied the patent-in-suit, including its prosecution history, and has conducted many interviews with the inventors regarding their invention, the prosecution history and the patent. Mr. Ng is intimately familiar with the positions taken by the petitioners and the other defendants in the above litigation, and has provided counsel to the inventors in connection with litigation involving a foreign counterpart in the United Kingdom. Mr. Ng is an experienced patent litigator, having litigated dozens of patent

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infringement cases, for both plaintiffs and defendants, at both the district court and Federal Circuit levels. Mr. Ng has, for example, served as lead trial and appellate counsel for the Australian national science agency, Commonwealth Scientific and Industrial Research Organisation, including in the currently pending *CSIRO v. Cisco*, Eastern District of Texas Case No. 6-11-cv-343 and Federal Circuit Case No. 15-1066.

4. Mr. Ng 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.

## II. Conclusion

For the reasons stated above, Patent Owner respectfully submits that there is good cause for the Board to recognize Michael Ng *pro hac vice* during the proceeding.

Dated: June 1, 2016

KOBRE & KIM

/s/ Michael Ng

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