

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

AFFINITY LABS OF TEXAS, LLC,
Patent Owner.

Case IPR2017-00122
Patent No. 9,444,868 B2

**PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF RYAN E. DORNBERGER UNDER 37 C.F.R. § 42.10(C)**

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner, Affinity Labs of Texas, LLC., respectfully requests *pro hac vice* admission of Ryan E. Dornberger in this proceeding. Patent Owner seeks Mr. Dornberger's assistance because of his experience assisting Patent Owner in its parallel litigation and his familiarity with the substantive and technical issues involved in this proceeding.

1. Statement of Facts

Patent Owner's lead counsel in this proceeding, Ryan M. Schultz, is a registered practitioner. Mr. Dornberger is an experienced patent litigation attorney, with over three years of experience in fact and expert discovery, *Markman* hearings, and oral arguments in patent infringement matters before both Federal district courts and the United States Court of Appeals for the Federal Circuit.

Mr. Dornberger has established familiarity with the subject matter at issue in this proceeding. U.S. Patent No. 9,444,868 is involved in the parallel litigation filed by Patent Owner in the United States District Court for the Western District of Texas (Civil Action No. 1:15-cv-00849-RP). Robins Kaplan LLP represents Patent Owner in this litigation. Mr. Dornberger has appeared as counsel for Patent Owner in this litigation and is actively involved in all aspects of the litigation. For example, Mr. Dornberger participated in drafting the four *Markman* briefs submitted to the district court and attended the Court's day-long

IPR2017-00122
Patent 9,444,868

Markman hearing, which included live testimony from both parties' experts regarding the '868 Patent. Therefore, good cause exists to admit Mr. Dornberger *pro hac vice* in this proceeding.

2. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by the required Declaration of Mr. Dornberger.

Dated: November 14, 2017

Respectfully submitted,

By: /Ryan M. Schultz/
Registration No. 65,143
Robins Kaplan LLP
800 LaSalle Avenue
2800 LaSalle Plaza
Minneapolis, MN 55402-2015

Attorney for Patent Owner

IPR2017-00122
Patent 9,444,868

CERTIFICATE OF SERVICE

I hereby certify that on this November 14, 2017, a copy of Patent Owner's Motion for *Pro Hac Vice* Admission of Ryan E. Dornberger Under 37 C.F.R. § 42.10(C) and Declaration of Ryan E. Dornberger in Support of Motion for *Pro Hac Vice* Admission have been served by electronic mail to the Petitioner:

David D. Schumann
david@martonribera.com

Hector J. Ribera
marton@martonribera.com

Dated: November 14, 2017

Respectfully submitted,

/Ryan M. Schultz/
Registration No. 65,143
Robins Kaplan LLP
800 LaSalle Avenue
2800 LaSalle Plaza
Minneapolis, MN 55402-2015

Attorney for Patent Owner