

Case IPR2017-02039
U.S. Patent No. 7,199,715

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FEDEX CORP.,
Petitioner

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner

Case IPR2017-02039

U.S. Patent No. 7,199,715
TITLE: SYSTEM AND METHOD FOR TRACKING ID TAGS USING A
DATA STRUCTURE OF TAG READS
Issue Date: April 3, 2007

**INTELLECTUAL VENTURES II LLC'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF LAUREN M. NOWIERSKI**

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Case IPR2017-02039
U.S. Patent No. 7,199,715

PATENT OWNER'S EXHIBIT LIST

IV Exhibit No.	DESCRIPTION
2101	Affidavit of Lauren M. Nowierski.

I. RELIEF REQUESTED

Intellectual Ventures II LLC (“IV”) hereby respectfully moves the Patent Trial and Appeal Board for the *pro hac vice* admission of Lauren M. Nowierski as back-up counsel for IV in Case IPR2017-02039. IV has conferred with counsel for Petitioner, who confirmed that Petitioner does not oppose this motion.

II. GOVERNING LAW, RULES, AND PRECEDENT

Under 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 Patent Trial and Appeal Board established its current procedure for moving for *pro hac vice* admission in *inter partes* reviews in *Unified Patents, Inc. v. Parallel Iron LLC*, Case IPR2013-00639, Paper 7 (“Order – Authorizing Motion For *Pro Hac Vice* Admission – 37 C.F.R. § 42.10”) (PTAB Oct. 15, 2013). Specifically, a motion for *pro hac vice* admission must 1) be filed no sooner than twenty-one (21) days after the service of the petition; 2) “[c]ontain a statement of

facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding;” and 3) “[b]e 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 subject to the Office’s 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.

III. STATEMENT OF MATERIAL FACTS

Supported by the Affidavit of Lauren M. Nowierski filed concurrently herewith (Ex. 2101), IV respectfully shows the following facts:

1. IV filed this motion on September 26, 2017, no sooner than 21 days after service of the Petition on August 31, 2017.
2. IV's lead counsel, Andrew G. Heinz, is a registered practitioner (Reg. No. 59,996).
3. Ms. Nowierski is an associate at the law firm of Desmarais LLP, an intellectual property litigation firm. (Ex. 2101 ¶ 3.)
4. Ms. Nowierski is an experienced patent litigation attorney, having practiced patent litigation for approximately eight (8) years. (*Id.* ¶ 4.)
5. Ms. Nowierski has an established familiarity with the subject matter at issue in this proceeding. The patent involved in this proceeding is U.S. Patent No. 7,199,715, and Ms. Nowierski has reviewed U.S. Patent No. 7,199,715 and its prosecution file history. (*Id.* ¶ 5.) Ms. Nowierski has also reviewed the parties' papers and exhibits in this proceeding, as well as the Board's decisions in this proceeding to date. (*Id.*) Ms. Nowierski is also familiar with the '715 Patent through serving as Intellectual Ventures II LLC's litigation counsel in

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