

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN ZHIYI TECHNOLOGY CO. LTD., D/B/A/ ILIFE,
Petitioner,

v.

IROBOT CORPORATION,
Patent Owner.

Case No.: IPR2017-02061
Patent 6,809,490

**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF STEPHEN M. ULLMER UNDER 37 C.F.R. §
42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Shenzhen Zhiyi Technology Co. Ltd. (“Petitioner”) respectfully requests that the Board recognize Stephen Ullmer as counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Stephen Ullmer due to his experience in computer science-related patent matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding. The motion is authorized by the September 14, 2017 Notice of Filing Date Accorded to Petition and Time for Filing Petitioner Preliminary Response.

Counsel for Petitioner has conferred with Counsel for Patent Owner on this Motion. Patent Owner does not oppose this Motion.

I. Statement of Facts

Based on the following facts, and supported by the Affidavit of Mr. Ullmer (Ex. 1011) submitted herewith, Petitioner requests the *pro hac vice* admission of Stephen M. Ullmer in this proceeding:

1. Petitioner’s lead counsel in IPR2017-02061, Patrick J. McCarthy, is a registered practitioner (Reg. No. 62,762).
2. Mr. Ullmer is an associate at the law firm Greenberg Traurig, LLP. Ex. 1011 at ¶ 3.
3. Mr. Ullmer is an experienced litigating attorney. Mr. Ullmer has been a litigating attorney for more than five years. *Id.* at ¶ 4. Mr. Ullmer has been

litigating patent cases for more than five years. *Id.*

4. Mr. Ullmer has an established familiarity with the subject matter at issue in this proceeding.

5. Mr. Ullmer is a member in good standing in the bar of California, several U.S. District Courts, and the U.S. Court of Appeals for the Federal Circuit. *Id.* at ¶ 5.

6. Mr. Ullmer has never been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶ 5.

7. No application of Mr. Ullmer for admission to practice before any court or administrative body has ever been denied. *Id.* at ¶ 6.

8. No sanctions or contempt citations have ever been imposed against Mr. Ullmer by any court or administrative body. *Id.* at ¶ 7.

9. Mr. Ullmer 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 ¶ 8.

10. Mr. Ullmer understands that he will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶ 9.

11. Mr. Ullmer has been granted *pro hac vice* admission in eleven proceedings: IPR2016-01631, IPR2016-01711, IPR2016-01894, IPR2017-00249,

IPR2017-00349, IPR2017-00888, IPR2017-00915, IPR2017-01450, IPR2017-01306, IPR2017-01192, and IPR2017-01322, and IPR2017-02137. Mr. Ullmer has also applied to appear *pro hac vice* in IPR2017-00770, IPR2017-01193, and IPR2018-00114 for which the cases was terminated prior to a decision. Mr. Ullmer has also applied to appear *pro hac vice* in IPR2017-01191 for which a decision is pending. Otherwise, Mr. Ullmer has not applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years. *Id.* at ¶ 10.

This motion was filed no sooner than 21 days after service of the Petition in this proceeding, which occurred on September 6, 2017.

II. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. ULLMER IN THIS PROCEEDING

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. 37 C.F.R. § 42.10(c). Petitioner's lead counsel, Patrick J. McCarthy, is a registered practitioner. Based on the facts contained herein, as supported by Mr. Ullmer's Affidavit (Ex. 1011), good cause exists to admit Mr. Ullmer *pro hac vice* in this proceeding.

As supported by his affidavit, Mr. Ullmer is an experienced litigating attorney with over five (5) years of patent litigation experience. Mr. Ullmer also has an established familiarity with the subject matter at issue in this proceeding.

Mr. Ullmer, who has a Bachelor of Science in Electrical Engineering, has

personally reviewed the patent-at-issue, the Petition, and the accompanying exhibits. Mr. Ullmer also has reviewed various filings from the underlying litigation including the claim construction briefing and *Markman* Order. In view of Mr. Ullmer's extensive knowledge of the precise subject matter at issue in this proceeding, Petitioner has a substantial need for Mr. Ullmer's *pro hac vice* and his involvement in this proceeding. Though Mr. Ullmer has been involved throughout this IPR in an advisory capacity, and has stayed up-to-date regarding the documents filed and actions taken, there is now a need for Mr. Ullmer to be added as backup counsel to this IPR.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Mr. Ullmer *pro hac vice* in this proceeding.

The Patent Trial and Appeal Board is hereby authorized to charge any fees associated with this filing to Deposit Account No. 50-2638.

Dated: June 8, 2018

Respectfully submitted,

By: /s/ Patrick J. McCarthy
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