

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

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

v.

IROBOT CORPORATION,  
Patent Owner.

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

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**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*  
ADMISSION OF NICHOLAS A. BROWN UNDER 37 C.F.R. §  
42.10(c)**

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Pursuant to 37 C.F.R. § 42.10(c), Petitioner Shenzhen Zhiyi Technology Co. Ltd. (“Petitioner”) respectfully requests that the Board recognize Nicholas Brown as counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Nicholas Brown 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. Brown (Ex. 1012) submitted herewith, Petitioner requests the *pro hac vice* admission of Nicholas A. Brown in this proceeding:

1. Petitioner’s lead counsel in IPR2017-02061, Patrick J. McCarthy, is a registered practitioner (Reg. No. 62,762).
2. Mr. Brown is a shareholder at the law firm Greenberg Traurig, LLP. Ex. 1012 at ¶ 3.
3. Mr. Brown is an experienced litigating attorney. Mr. Brown has been a litigating attorney for twenty years. *Id.* at ¶ 4. Mr. Brown has been litigating patent cases for twenty years. *Id.*

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

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

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

7. No application of Mr. Brown 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. Brown by any court or administrative body. *Id.* at ¶ 7.

9. Mr. Brown 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. Brown 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. In the past three years, Mr. Brown has applied and been granted *pro hac vice* admission in four proceedings: IPR2015-01983, IPR2015-01984, IPR2015-01985, and IPR2017-02137. Mr. Brown 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. BROWN 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. Brown's Affidavit (Ex. 1012), good cause exists to admit Mr. Brown *pro hac vice* in this proceeding.

As supported by his affidavit, Mr. Brown is an experienced litigating attorney with twenty years of patent litigation experience. Mr. Brown also has an established familiarity with the subject matter at issue in this proceeding.

Mr. Brown has been extensively involved in litigating the patent-at-issue in the parallel proceedings pending before the International Trade Commission: *In re Certain Robotic Vacuum Cleaning Devices And Components Thereof Such As Spare Parts*, Investigation No. 337-TA-1057, including taking the depositions of inventors and experts and preparing briefing related to the patent-at issue. Mr. Brown has reviewed the patent-at-issue, the Petition, and the accompanying

exhibits. Mr. Brown also has reviewed various filings from the underlying litigation including the claim construction briefing and *Markman* Order. In view of Mr. Brown's extensive knowledge of the precise subject matter at issue in this proceeding, Petitioner has a substantial need for Mr. Brown's *pro hac vice* and his involvement in this proceeding. Though Mr. Brown 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. Brown to be added as backup counsel to this IPR.

### III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Mr. Brown *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 19, 2018

Respectfully submitted,

By: /s/ Patrick J. McCarthy  
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