

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTERN DIGITAL CORPORATION,
Petitioner

v.

SPEX TECHNOLOGIES, INC.
Patent Owner

CASE NO: IPR2018-00082

U.S. PATENT: 6,088,802

**PETITIONER'S MOTION FOR PRO HAC VICE ADMISSION
OF FRANK P. COTÉ UNDER 37 C.F.R § 42.10(C)**

UPDATED EXHIBIT LIST

Exhibit Number	Document
1001	U.S. Patent No. 6,088,802 (“the ’802 Patent”)
1002	Summons Returned as Executed, <i>SPEX Techs., Inc. v. Western Digital Corp.</i> , Case No. 8:16-cv-01799 (C.D. Cal. filed Oct. 31, 2016)
1003	File History of the ’802 Patent
1004	U.S. Patent No. 5,887,145 to Harari et al. (“Harari”)
1005	U.S. Patent No. 6,199,163 to Dumas et al. (“Dumas”)
1006	Don Anderson, <i>PCMCIA SYSTEM ARCHITECTURE: 16-BIT PC CARDS</i> (MindShare, Inc., 2nd ed. 1995) (“PCMCIA Architecture”)
1007	U.S. Patent No. 5,822,196 to Hastings et al. (“Hastings”)
1008	U.S. Patent No. 5,922,060 to Goodrum (“Goodrum”)
1009	U.S. Patent No. 5,941,965 to Moroz et al. (“Moroz”)
1010	U.S. Patent No. 5,943,482 to Culley et al. (“Culley”)
1011	U.S. Patent No. 6,009,151 to Staples (“Staples”)
1012	Windows Developers Journal, Vol. 7, No. 8 (Aug. 1996)
1013	Claim Construction Briefing in <i>SPEX Techs., Inc. v. Western Digital Corp.</i> , Case No. 16-cv-01799 (C.D. Cal.) (“SPEX Claim Construction Brief”)
1014	Tentative Order Regarding Claim Construction in <i>SPEX Techs., Inc. v. Western Digital Corp.</i> , Case No. 16-cv-01799 (C.D. Cal.) (“Tentative Construction”)
1015	Declaration of Dr. Martin Kaliski, Ph.D. (“Kaliski Decl.”)

Exhibit Number	Document
1016	Exhibit A (Updated) to Defendants' Reply Claim Construction Brief
1017	Reporter's Transcript of Proceedings in <i>SPEX Techs, Inc. v. Kingston Tech. Corp., et al.</i> , Case No. 16-cv-01790 (C.D. Cal.) ("Markman Hearing Transcript")
1018	Declaration of Sylvia Hall-Ellis, Ph.D. ("Hall-Ellis Decl.")
1019	U.S. Patent No. 5,765,027 to Wang et al. ("Wang")
1020	MARC Record
1021	Hearing Transcript dated February 8, 2018
1025	Excerpts from the April 20, 2018 Deposition of Dr. V. Thomas Rhyne
1023	Excerpts from the April 25, 2018 Deposition of Mr. Miguel Gomez
1024	Supplemental Declaration of Dr. Martin Kaliski
1025	Declaration of Frank P. Cote in Support of Petitioner's Motion for Pro Hac Vice Admission

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Petitioner, by and through its attorneys, respectfully requests that the Board admit Frank P. Coté *pro hac vice* in this proceeding. Patent Owner’s counsel has indicated that Patent Owner does not oppose this motion.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) of 37 C.F.R. provides as follows:

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 Board has specified that a motion for *pro hac vice* admission shall be in filed in accordance with the “ORDER-AUTHORIZING MOTION FOR PRO HAC VICE ADMISSION – 37 C.F.R. § 42.10” in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case No. IPR2013-00639 (“Representative Order”). The Representative Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding”

and “[b]e accompanied by an affidavit or declaration of the individual seeking to appear” that attests to a number of facts concerning the counsel seeking admission *pro hac vice* specified in the Representative Order. Accompanying this motion as Exhibit 1025 is the Declaration of Frank P. Cote in Support of this Motion for Admission *Pro Hac Vice* (“Cote Decl.”)

III. STATEMENT OF FACTS

1. Petitioner’s lead counsel, Brian M. Buroker, is a registered practitioner (Reg. No. 39,125).
2. Mr. Coté is Of Counsel at the law firm Gibson Dunn & Crutcher. (Cite Decl. ¶ 2) (Ex. 1025).
3. Mr. Coté is an experienced litigating attorney and has been litigating cases relating to patents for the past eighteen years. (*Id.*).
4. Mr. Coté is a member in good standing of the California State Bar, and among other courts, including U.S. District Courts for the Central, Northern, Southern, and Eastern Districts of California; the Eastern District of Texas; and the United States Courts of Appeals for the Ninth and Federal Circuits. (*Id.* ¶ 3).
5. Mr. Coté has never been suspended or disbarred from practice before any court or administrative body. (*Id.* ¶ 5).
6. No application filed under Mr. Coté for admission to practice before any court or administrative body has ever been denied. (*Id.* ¶ 6).

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