

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INGENICO INC.,
Petitioner,

v.

IOENGINE, LLC,
Patent Owner.

Case IPR2019-00929
Patent 9,774,703

**PATENT OWNER'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF NOAH M. LEIBOWITZ**

Pursuant to 37 C.F.R. § 42.10(c), the Board's Notice of Filing Date Accorded (authorizing this motion), and the representative order in IPR2013-00639 Paper 7 (concerning the content of a motion for *pro hac vice* admission), the Patent Owner respectfully requests that the Board recognize Noah M. Leibowitz as counsel *pro hac vice* in this proceeding. Petitioner has indicated it will not oppose this motion.

Statement of Facts

1. Mr. Leibowitz is an experienced patent litigator. He has litigated numerous patent cases over the past 19 years and tried several patent cases to verdict. *See* Ex. 2001 ¶ 2.
2. Mr. Leibowitz is longstanding counsel to Patent Owner. Mr. Leibowitz has been providing Patent Owner (privileged) legal advice in connection with the '703 Patent and related patents, in connection with district court patent litigation involving the '703 Patent, and in connection with district court patent litigation between the parties to this IPR. Patent Owner has requested that Mr. Leibowitz help to represent it at the Oral Hearing and during the remainder of this trial. *See* Ex. 2001 ¶ 3.
3. Mr. Leibowitz is familiar with the technology and subject matter at issue in this trial. He has reviewed the patent, the papers and evidence filed by the Parties, and the orders of the Board. He also tried two cases involving the

related '047 Patent to jury verdict in 2017. *See* Ex. 2001 ¶ 4.

4. Mr. Leibowitz is a member in good standing of the New York and New Jersey bars, and is admitted to practice before the United States Supreme Court, the U.S. Courts of Appeals for the Federal, Second, and Third Circuits, and the U.S. District Courts for the Eastern District of New York, Southern District of New York, and the District of New Jersey. *See* Ex. 2001 ¶ 5.

5. Mr. Leibowitz has not been suspended or disbarred from practice before any court or administrative body. *See* Ex. 2001 ¶ 6.

6. Mr. Leibowitz has not had any application for admission to practice before any court or administrative body denied. *See* Ex. 2001 ¶ 7.

7. Mr. Leibowitz has not been the subject of any sanctions or contempt citations imposed by any court to administrative body. *See* Ex. 2001 ¶ 8.

8. Mr. Leibowitz has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R. *See* Ex. 2001 ¶ 9.

9. Mr. Leibowitz will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et. seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *See* Ex. 2001 ¶ 10.

10. Mr Leibowitz has either appeared or intends to appear *pro hac vice* before the Office in the related IPR proceedings identified in Patent Owner's

Mandatory Notices in this case. Mr. Leibowitz has not appeared *pro hac vice* in any other proceeding in the last three (3) years. *See* Ex. 2001 ¶ 11.

11. Patent Owner's lead counsel is a registered practitioner.

12. Petitioner does not oppose this motion.

Accordingly, good cause exists for the granting of this motion, and Patent Owner respectfully requests that Noah M. Leibowitz be admitted *pro hac vice*.

Dated: June 26, 2019

/ Derek J. Brader /

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CERTIFICATE OF SERVICE

I certify that today in

INGENICO INC. v. IOENGINE, LLC, IPR2019-00929

I caused to be served a copy of:

Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Noah M. Leibowitz
Exhibit 2001
Certificate of Service

upon:

INGENICO INC., c/o:
Robert Asher, rasher@sunsteinlaw.com
Timothy Murphy, tmurphy@sunsteinlaw.com
Kerry L. Timbers, ktimbers@sunsteinlaw.com
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via:

electronic service to the email addresses above

Dated: June 26, 2019

/ Derek J. Brader /

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