

PGR2018-00029

Petitioner's Motion for *Pro Hac Vice* Admission of Michael J. Sacksteder

Filed on behalf of Supercell Oy

By:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner

v.

GREE, INC.,
Patent Owner.

Case PGR2018-00029

Patent 9,636,583 B2

**PETITIONER SUPERCELL OY'S MOTION FOR
PRO HAC VICE ADMISSION OF
MICHAEL J. SACKSTEDER PURSUANT TO 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED

Pursuant to the authorization provided by the Board in Paper No. 3 at page 2, Petitioner Supercell Oy petitions under 37 C.F.R. § 42.10(c) for the *pro hac vice* admission of Michael J. Sacksteder in this proceeding.

II. GOVERNING LAWS, RULES, AND PRECEDENT

Section 42.10(c) states 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.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Michael J. Sacksteder submitted herewith as Exhibit 1007 (“Ex. 1007”), Petitioner submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Michael J. Sacksteder in this proceeding:

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1. This authorized petition is filed more than twenty-one (21) days after Petitioner's service of the PETITION FOR POST-GRANT REVIEW OF U.S. PATENT 9,636,583 (Paper No. 1) and after the filing of PATENT OWNER'S MANDATORY NOTICES (Paper No. 6).

2. Petitioner's current lead counsel, Jennifer R. Bush, is a registered practitioner (Reg. No 50,784).

3. Mr. Sacksteder is a partner at the law firm of Fenwick & West LLP. Ex. 1007 ¶ 3.

4. Mr. Sacksteder is an experienced litigating attorney and has been litigating cases relating to patents for over twenty years. Ex. 1007 ¶ 4.

5. Mr. Sacksteder has an established familiarity with the subject matter at issue in this proceeding. Ex. 1007 ¶ 11. He is serving as a consulting attorney in a related, co-pending action before the Tokyo District Court. Patent No. 9,636,583 is a continuation of U.S. Serial No. 14/291,358 that claims the benefit of Japanese Patent Application No. 2013-116039 filed on May 31, 2013, which published as JP 6,125,128. JP 6,125,128 is asserted by GREE against Supercell Oy and Supercell K.K. (a fully owned subsidiary of Supercell Oy) in the following patent infringement lawsuit: *GREE, Inc. v. Supercell K.K.*, Case 2017 (Yo) No. 22165 Petition for Provisional Disposition before Civil Department 29 of the Tokyo

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District Court. Ex. 1007 ¶ 11.

6. Mr. Sacksteder is a member in good standing of the California State Bar. Ex. 1007 ¶ 5.

7. Mr. Sacksteder has never been suspended or disbarred from practice before any court or administrative body. Ex. 1007 ¶ 5.

8. No application filed by Mr. Sacksteder for admission to practice before any court or administrative body has ever been denied. Ex. 1007 ¶ 6.

9. No sanctions or contempt citations have been imposed against Mr. Sacksteder by any court or administrative body. Ex. 1007 ¶ 7.

10. Mr. Sacksteder has read and agrees to 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. Ex. 1007 ¶ 8.

11. Mr. Sacksteder understands that he will be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). Ex. 1007 ¶ 9.

12. Mr. Sacksteder applied to appear *pro hac vice* in nine *inter partes* review proceedings and one post grant review proceeding before the Office within the last three (3) years. Petitioner is also concurrently moving for Mr. Sacksteder to appear *pro hac vice* in PGR2018-00047. Ex. 1007 ¶ 10.

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

The facts outlined above in the Statement of Facts, and contained in the Declaration of Michael J. Sacksteder (Ex. 1007), establish that there is good cause to admit Mr. Sacksteder *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Mr. Sacksteder is an experienced litigating attorney, and Mr. Sacksteder has an established familiarity with the subject matter at issue.

V. CONCLUSION

For the foregoing reasons as well as the reasons in the attached declaration, Petitioner Supercell Oy respectfully requests the *pro hac vice* admission of Michael J. Sacksteder in this proceeding.

Dated: May 17, 2018

Respectfully submitted,

/Jennifer R. Bush/

JENNIFER R. BUSH
Reg. No. 50,784
Attorney for Petitioner

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