

PGR2018-00047

Petitioner's Motion for *Pro Hac Vice* Admission of Geoffrey R. Miller

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 PGR2018-00047

Patent 9,770,659 B2

**PETITIONER SUPERCELL OY'S MOTION FOR
PRO HAC VICE ADMISSION OF
GEOFFREY R. MILLER 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 Geoffrey R. Miller 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 Geoffrey R. Miller submitted herewith as Exhibit 1010 (“Ex. 1010”), Petitioner submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Geoffrey R. Miller 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 9,770,659 (Paper No. 1) and after the filing of PATENT OWNER'S MANDATORY NOTICES (Paper No. 4).

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

3. Mr. Miller is an associate at the law firm of Fenwick & West LLP. Ex. 1010 ¶ 3.

4. Mr. Miller is an experienced litigating attorney and has been litigating cases relating to patents for over three years, prior to which he completed a one-year term clerkship for the Honorable John D. Love, United States Magistrate Judge for the U.S. District Court for the Eastern District of Texas, in which he primarily assisted Judge Love with patent litigation cases. Ex. 1010 ¶ 4.

5. Mr. Miller has an established familiarity with the subject matter at issue in this proceeding. Ex. 1006 ¶ 11. He is serving as a consulting attorney in a related, co-pending action before the Tokyo District Court. U.S. Patent No. 9,770,659 B2 is a continuation of U.S. Ser. No. 15/391,123 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

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and Supercell K.K. 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 District Court. Ex. 1010 ¶ 11.

6. Mr. Miller is a member in good standing of the state bars of California and New York. He is also a member in good standing of the state bars of Massachusetts and Texas on inactive status. Ex. 1010 ¶ 5.

7. Mr. Miller has no suspensions or disbarments from practice before any court or administrative body, with the exception of a single seven-day suspension from the State Bar of Texas for being past due on annual bar fees. Ex. 1010 ¶ 5.

8. No application filed by Mr. Miller for admission to practice before any court or administrative body has ever been denied. Ex. 1010 ¶ 6.

9. No sanctions or contempt citations have been imposed against Mr. Miller by any court or administrative body. Ex. 1010 ¶ 7.

10. Mr. Miller 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. 1010 ¶ 8.

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11. Mr. Miller 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. 1010 ¶ 9.

12. Mr. Miller applied to appear *pro hac vice* in one post grant review proceeding before the Office within the last three (3) years, PGR2018-00008, which was conditionally granted on September 20, 2018. Petitioner is also concurrently moving for Mr. Miller to appear *pro hac vice* in PGR2018-00029, PGR2018-00036, PGR2018-00039, PGR2018-00050, PGR2018-00055, PGR2018-00060, and PGR2018-00061. Ex. 1010 ¶ 10.

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

The facts outlined above in the Statement of Facts, and contained in the Declaration of Geoffrey R. Miller (Ex. 1010), establish that there is good cause to admit Mr. Miller *pro hac vice* in this proceeding under 37 C.F.R. § 42.10.

Mr. Miller is an experienced litigating attorney, and Mr. Miller has an established familiarity with the subject matter at issue.

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