

PGR2018-00047

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

Filed on behalf of Supercell Oy

By:

JENNIFER R. BUSH, Reg. No 50,784

MICHAEL J. SACKSTEDER

FENWICK & WEST LLP

801 California Street

Mountain View, CA 94041

Telephone: 650.988.8500

Facsimile: 650.938.5200

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

---

**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 1009 (“Ex. 1009”), 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:

PGR2018-00047

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

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. Sacksteder is a partner at the law firm of Fenwick & West LLP. Ex. 1009 ¶ 3.

4. Mr. Sacksteder is an experienced litigating attorney and has been litigating cases relating to patents for over twenty years. Ex. 1009 ¶ 4.

5. Mr. Sacksteder has an established familiarity with the subject matter at issue in this proceeding. Ex. 1009 ¶ 11. He is serving as a consulting attorney in a related, co-pending action before the Tokyo District Court. Patent No. 9,770,659 (the "659 patent") is a continuation of U.S. Serial No. 15/253,964, which is a continuation of 14/291,358, which 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. in the following patent infringement lawsuit: *GREE, Inc. v. Supercell K.K.*, Case 2017 (Yo) No. 22165 Petition for Provisional Disposition before Civil

PGR2018-00047

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

Department 29 of the Tokyo District Court. The '659 patent is a continuation of U.S. Patent 9,636,583, which is the subject of a Post Grant Review petition filed by Petitioner on February 1, 2018, assigned Post Grant Review No. PGR2018-00029. Ex. 1009 ¶ 11.

6. Mr. Sacksteder is a member in good standing of the California State Bar. Ex. 1009 ¶ 5.

7. Mr. Sacksteder has never been suspended or disbarred from practice before any court or administrative body. Ex. 1009 ¶ 5.

8. No application filed by Mr. Sacksteder for admission to practice before any court or administrative body has ever been denied. Ex. 1009 ¶ 6.

9. No sanctions or contempt citations have been imposed against Mr. Sacksteder by any court or administrative body. Ex. 1009 ¶ 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. 1009 ¶ 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. 1009 ¶ 9.

12. Mr. Sacksteder has applied and been admitted to appear *pro hac vice*

PGR2018-00047

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

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 PGR2018-00029. Ex. 1009 ¶ 10.

**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. 1009), 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

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.