

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

PATENT TRIAL AND APPEAL BOARD

**FISERV, INC., JACK HENRY & ASSOCIATES, INC., Q2 SOFTWARE, INC.,
AMERICAN NATIONAL BANK OF TEXAS and HANMI BANK**
Petitioner

v .

MIRROR IMAGING LLC
Patent Owner.

**COVERED BUSINESS METHOD
REVIEW OF U.S. PATENT NO. 6,963,866**

“Method Of Obtaining An Electronically Stored Financial Document”

**MOTION FOR PRO HAC VICE ADMISSION
UNDER 37 C.F.R. §42.10(c)**

Covered Business Method Review No. CBM2018-00014

Petitioner respectfully requests that the Board recognize Mr. Aaron Fountain as counsel *pro hac vice* during this proceeding.

1. Time For Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition in accordance with the “Order -- Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

2. Statement of Facts

As required by the Order Authorizing Motion for *Pro Hac Vice*, the following statement of facts shows that there is good cause for the Board to recognize Mr. Fountain *pro hac vice*.

Mr. Fountain is a technically trained, experienced patent litigation attorney. He is a former Federal Circuit law clerk with experience in numerous patent infringement litigation matters in the federal court system. He has experience in trials, *Markman* hearings, and Federal Circuit oral arguments.

U.S. Patent No. 6,963,866 is currently asserted against Petitioners in a co-pending litigation, *Mirror Imaging LLC v. Hanmi Bank*, Case 2:17-cv-00598 (EDTX).

Mr. Fountain has represented real party-in-interest Q2 Software, Inc. for a number of years and is counsel for Hanmi Bank in the co-pending litigation. In addition, Petitioner has executed a Power of Attorney designating Mr. Fountain as backup counsel.

He has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation, Mr. Fountain is a principal attorney responsible for the representation of Hanmi Bank. He is heavily involved with the review of prior art references, the development of invalidity positions and preparation of invalidity contentions, and the claim construction process, all of which are relied on in the petition requesting covered business method review of U.S. Patent No. 6,963,866. Petitioner has expended significant financial resources in the co-pending litigation with Mr. Fountain as counsel, and Petitioner wishes to continue using Mr. Fountain as counsel in this proceeding.

Further, counsel for Patent Owner does not oppose Mr. Fountain appearing *pro hac vice* during this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Fountain as counsel *pro hac vice* during this proceeding.

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Aaron Fountain (Exhibit 1078) as required by Order Authorizing Motion for *Pro Hac Vice* in Case IPR2013-00639.

Dated: May 23, 2018

By:



David A. Roodman, Lead Counsel
Reg. No. 35,663
Nick Williamson, Backup Counsel
Pro Hac Vice
Bryan Cave LLP
One Metropolitan Square
211 N. Broadway, Suite 3600
St. Louis, MO 63102-2750

Henry Petri, Jr. (Reg. No. 33,063)
Polsinelli PC
1401 Eye ("T") Street, N.W., Suite
800
Washington, DC 20005

James Murphy (Reg. No. 55,474)
Polsinelli PC
1000 Louisiana Street, 53rd Floor
Houston, TX 77002

Jeff Cole (Reg. No. 56,052)
Aaron Fountain (*Pro Hac Vice*)
DLA Piper LLP (US)
401 Congress Avenue Ste 2500
Austin, TX 78701

CERTIFICATE OF SERVICE


The undersigned hereby certifies that a copy of the foregoing Motion for Pro Hac Vice Admission and Exhibit 1078 have been served via Electronic Mail upon the following on May 23, 2018:

Isaac Rabicoff
Reg. No. 74,147
Rabicoff Law LLC
73 W Monroe St
Chicago, IL 60603
isaac@rabilaw.com
(773) 669-4590

Kenneth A. Matuszewski
Reg. No. 74,791
Rabicoff Law LLC
73 W Monroe St
Chicago, IL 60603
kenneth@rabilaw.com
(708) 870-5803

Derek Clements
Reg. No. 74,183
BOLD Intellectual Property PLLC
6100 219th St. SW, Suite 480
Mountlake Terrace, WA 98043
derek@boldip.com
(800) 849-1913

Mayer Morganroth
Morganroth & Morganroth, PLLC
344 North Old Woodward Ave., Suite
200
Birmingham, MI 48009
mmorganroth@morganrothlaw.com
(248) 864-4000

By: 
David A. Roodman, Lead Counsel
Reg. No. 35,663