

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QSC AUDIO PRODUCTS, LLC

Petitioner

v.

CREST AUDIO, INC.

Patent Owner

CASE: IPR2014-00131

Patent No. 5,652,544

**PETITIONER QSC AUDIO PRODUCTS, LLC'S
MOTION FOR *PRO HAC VICE* ADMISSION
*UNDER 37 C.F.R. § 42.10***

The Petitioner ("QSC") respectfully requests that the Board recognize Mr. Kaustuv M. Das as counsel *pro hac vice* during this proceeding. QSC seeks Mr. Das's assistance because of his experience assisting QSC on patent-related matters and his experience on the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response entered on November 7, 2013.

1. Statement of Facts

Mr. Das is an experienced patent litigation attorney, with over ten years of experience in fact and expert *Markman* hearings, and appellate oral arguments in patent infringement matters. Mr. Das's biography, including a list of representative cases, is attached as Exhibit A.

U.S. Patent No. 5,652,544 is currently involved in pending litigation against QSC Audio Inc. in the United States District Court for the Southern District of Mississippi Jackson Division (civil action no. 3:13CV610-DPJ-FKB). QSC is represented by Jones, Walker LLP and Perkins Coie LLP in this litigation; Mr. Das has been admitted to appear as counsel *pro hac vice* in the litigation and currently represents QSC as counsel in that proceeding.

Therefore, there is good cause for the Board to recognize Mr. Das as counsel *pro hac vice* during this proceeding.

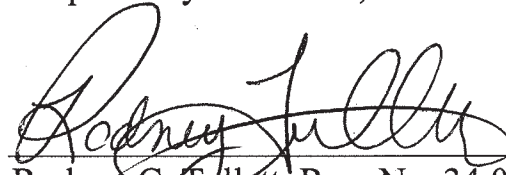
3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by the required Affidavit of Mr. Kaustuv M. Das.

Dated: January 29, 2014

PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101
(206) 359-8000

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Tullett", written over a horizontal line.

Rodney C. Tullett, Reg. No. 34,034
Chun M. Ng, Reg. No. 36,878

Attorneys for Petitioner QSC AUDIO
PRODUCTS, LLC

**AFFIDAVIT OF MR. KAUSTUV M. DAS IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION**

I, Kaustuv M. Das, being duly sworn and upon oath, hereby attests to the following:

1. I am a member in good standing of the Bar of Washington and the following Federal Courts:

- a. U.S. Supreme Court
- b. U.S. Court of Appeals for the Federal Circuit
- c. U.S. Court of Appeals for the Ninth Circuit
- d. U.S. District Court for the Western District of Washington
- e. U.S. District Court for the Eastern District of Washington
- f. U.S. District Court for the District of Idaho
- g. U.S. District Court for the Eastern District of Texas

2. I have not been suspended or disbarred from practice before any court or administrative body;

3. I have never had an application for admission to practice before any court or administrative body denied;

4. No sanction or contempt citation has been imposed against me by any court or administrative body;

5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R.;
6. I will be subject to the USPTO's 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); and
7. I am an experienced litigation attorney, with experience in numerous lawsuits involving patent infringement in District Courts across the country, including experience in fact and expert discovery, *Markman* hearings, and Federal Circuit oral arguments in patent infringement litigation. My biography is attached hereto as Exhibit A.



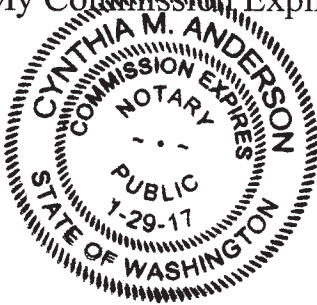
Kaustuv M. Das
Perkins Coie LLP
1202 Third Avenue
Seattle, WA 98101-3099
Telephone: (206) 359-6889
Fax: (206) 359-9000

Sworn to and subscribed before me,
this 28th day of January 2014.

Cynthia M. Anderson

Notary Public

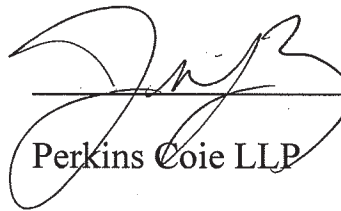
My Commission Expires: 1/29/17



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Motion for *Pro Hac Vice* Admission and a copy of the Affidavit of Mr. Kaustuv M. Das in Support of Motion for *Pro Hac Vice* Admission has been served on the Patent Owner via Express Mail on January 29, 2014 at the correspondence address for the attorney of record at the following:

N. Andrew Crain
Eric G. Maurer
Vivek A. Ganti
Thomas Horstemeyer LLP
400 Interstate North Parkway, SE
Suite 1500
Atlanta, Georgia 30339



Perkins Coie LLP JENNIFER VINE

EXHIBIT A



Kaustuv M. Das | Counsel

K.M. Das, a counsel in the firm's Patent Litigation practice, has over ten years' of technology and intellectual property litigation and licensing experience. K.M. has litigated patents in a broad range of technologies, including mechanical patents, medical devices, signal processing and software, and has prepared numerous infringement and freedom to operate opinions. K.M. has also drafted and negotiated numerous patent, joint development, cooperative development, and technology licensing agreements relating to semiconductors and related technologies.

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K.M. is passionate about community service and pro bono activities, and has argued immigration and prisoners' rights cases before the U.S. Court of Appeals for the Ninth Circuit.

Prior to joining Perkins, K.M. worked in the semiconductor industry providing legal counsel on all intellectual property related issues to various technical groups, including hybrid DRAM memory, flash memory, LED, display, and solar.

EDUCATION

- University of Washington
School of Law, J.D.,
Intellectual Property, high
honors, The Order of
Barristers, The Order of
the Coif, 2003
- California Institute of
Technology, Ph.D.,
Mathematics, 1994
- California Institute of
Technology, M.S.,
Mathematics, 1991
- Vassar College, B.A.,
Mathematics, Phi Beta
Kappa, 1989

BAR ADMISSIONS

- Washington

COURT ADMISSIONS

REPRESENTATIVE EXPERIENCE

Patent Litigation

Zebra Technologies Corporation et al. v. Intermec Inc. et al.

U.S. District Court for the Northern District of Illinois
Representing Intermec Inc. in a multi-patent action involving scanner, printer, RFID, and battery technologies.

Uniloc USA Inc. v. McAfee Inc.

U.S. District Court for the Eastern District of Texas
Representing McAfee in a patent case relating to software activation.

Crest Audio Inc. v. QSC Audio Products, LLC

U.S. District Court for the Southern District of Mississippi
Representing QSC Audio Products in multiple patent cases involving digital signal processors and power electronics as implemented in audio amplifiers.

CallWave Communications LLC v. T-Mobile USA Inc.

U.S. District Court for the District of Delaware
Representing T-Mobile in a patent case involving location tracking and payment

- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Western District of Washington
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the District of Idaho
- U.S. District Court for the Eastern District of Texas

technologies.

Google Inc. v. Traffic Information, LLC

U.S. District Court for the District of Oregon

Represented Google Inc. in a declaratory judgment patent action relating to traffic information provided to mapping applications.

Milestone Company, Ltd., et al. v. Nintendo of America Inc.

U.S. District Court for the Western District of Washington

Represented Nintendo of America Inc. in a patent case relating to imaging lenses for portable devices.

Technology Patents LLC v. Deutsche Telekom AG, et al.

U.S. District Court for the District of Maryland

Represented T-Mobile USA Inc. in multi-defendant patent litigation relating to SMS and MMS messaging systems and methods. Summary judgment of non-infringement granted.

Parallel Networks, LLC v. Priceline.Com Inc., et al.

U.S. District Court for the Eastern District of Texas

Defending OfficeMax Inc. and Walgreen Company in multi-defendant patent case relating to systems and methods for managing dynamic generation of web pages.

Flashpoint Technology Inc. v. AT&T Mobility, LLC, et al.

U.S. District Court for the District of Delaware

Represented T-Mobile USA in patent infringement lawsuit involving numerous patents relating to user interfaces in digital cameras and remote phones. Case stayed pending reexamination.

Alfred E. Mann Foundation for Scientific Research v. Cochlear Corporation, et al.*

U.S. District Court for the Central District of California

Represented plaintiff in patent litigation lawsuit involving implantable medical devices and mixed (digital/analog) signal processing.

Aspex Eyewear Inc., et al. v. Altair Eyewear*

U.S. District Court for the Southern District of New York

Obtained summary judgment of non-infringement for defendant in case involving magnetic clip-on sunglasses; summary judgment was affirmed as to two patent-in-suit by the Federal Circuit.

Impulse Technology Limited v. Nintendo of America Inc., et al.

U.S. District Court for the Northern District of Ohio

Defended Nintendo in patent lawsuit relating to exercise videogames. Plaintiff voluntarily dismissed case following claim construction.

* Prior Experience

PROFESSIONAL RECOGNITION

- King County Bar Association, President's Award, 2013
- Listed in *Washington Law & Politics*, "Washington Rising Stars"

- Davis Wright Tremaine LLP's " Pro Bono Attorney of the Year," 2004
- King County Bar Association Housing Justice Project "Attorney of the Year," 2004

PROFESSIONAL LEADERSHIP

- South Asian Bar Association of Washington, Treasurer, 2004 - 2008; President, 2011 - 2012
- King County Bar Foundation, Board of Trustees, 2008 - 2010
- King County Bar Association Secretary, 2012 - 2013; Trustee 2012 - present
- Washington State Patent Law Association's Pro Bono Committee, 2007 - 2010
- Asian Bar Association of Washington, Board Member, 2009 - 2010
- Joint Asian Judicial Evaluation Committee, Chair, 2008
- AIPLA and American Bar Association, Member

RELATED EMPLOYMENT

- Seattle University School of Law, Adjunct Professor, Patent and Trade Secret Law, 2013 - present
- Micron Technology Inc., Technology Licensing Counsel, 2010 - 2011
- Merchant & Gould, Seattle, WA, Associate, 2007 - 2009
- Davis Wright Tremaine LLP, Seattle, WA, Summer Associate, 2002; Associate, 2003 - 2007

SELECTED PUBLICATIONS

2007	"Willful Infringement, Waiver, and Advice of Counsel: A Sea Change at the Court of Appeals for the Federal Circuit" Author, Article <i>89 J. Pat & Trademark Off. Soc'y</i> 853
2006	"Data Brach Notice Legislation: New Technologies and New Privacy Duties?" Co-Author, Article <i>865 PLI/Pat</i> 203
2006	"Recent Developments in Commercial Speech and Consumer Privacy Interests" Co-Author, Article Practicing Law Institute, <i>882 PLI/PAT</i> 77
2004	"Conflicting Canons of Patent Claim Construction: Into the Valley of Death" Co-Author, Article <i>Intellectual Property</i> Volume 15, Number 1
2002	"Forum Selection Clauses in Consumer Clickwrap and Browsewrap Agreements and the 'Reasonably Communicated' Test"

PAST EVENTS

07.2009 **Patent Infringement Remedies**

Speaking Engagement

Center for Advanced Study and Research on Intellectual Property, 2009 Patent and Intellectual Property Law and Practice Summer Institute

03.2008 **Practical Tips for Willful Infringement Opinions: Scope of Waiver and Reasonableness**

Speaking Engagement

Washington State Bar Association, 13th Annual Intellectual Property Institute

03.2007 **MedImmune v. Genetech: Whither Reasonable Apprehension of Suit?**

Speaking Engagement

Washington State Bar Association, 12th Annual Intellectual Property Institute

09.2006 **Patent Law Update - Intellectual Property Developments: Litigation, Machinations, and Reform**

Speaking Engagement

Washington State Bar Intellectual Property Section