

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 REVISED MOTION AND
DECLARATION FOR *PRO HAC VICE* ADMISSION
*UNDER 37 C.F.R. § 42.10***

The Petitioner (“QSC”) respectfully submits this revised request that the Board recognize Grant E. Kinsel as counsel *pro hac vice* during this proceeding. QSC seeks Mr. Kinsel’s assistance because of his experience representing QSC 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 15, 2013.

1. Statement of Facts

Mr. Kinsel is an experienced patent-litigation attorney with about twenty years of experience in patent trials, fact and expert discovery, *Markman* hearings, and appellate oral arguments in patent-infringement matters. Mr. Kinsel’s biography, including a list of representative cases, is attached as Exhibit A.

Patent Owner asserted U.S. Patent No. 5,652,544 against QSC in the United States District Court for the Southern District of Mississippi, Jackson Division (Civil Action No. 3:13-CV-610-CWR-FKB). Mr. Kinsel is QSC’s lead trial lawyer in that case. The fact and legal issues presented in this Petition overlap the fact and legal issues in the district-court case. As lead trial counsel, Mr. Kinsel is very familiar with these overlapping issues. QSC respectfully requests that the Board permit QSC to be represented by its lead counsel of choice, and recognize Mr. Kinsel as counsel *pro hac vice* in this proceeding.

2. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by the required Declaration of Mr. Grant E. Kinsel, which has been revised to reflect the requirements of the Board's Order dated December 23, 2014, Paper 32.

Dated: December 29, 2014

Respectfully submitted,

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



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

Attorneys for Petitioner QSC AUDIO
PRODUCTS, LLC

**DECLARATION OF MR. GRANT E. KINSEL IN SUPPORT OF MOTION
FOR *PRO HAC VICE* ADMISSION**

Grant M. Kinsel declares:

1. I am a partner with the law firm of Perkins Coie LLP. I have personal knowledge of the facts set forth in this declaration and am competent to testify to its contents.

2. I am a member in good standing of the Bar of the State of California and the following Federal Courts:

- a. U.S. Court of Appeals for the Federal Circuit
- b. U.S. District Court for the Central District of California
- c. U.S. District Court for the Eastern District of California
- d. U.S. District Court for the Southern District of California
- e. U.S. District Court for the Northern District of California
- f. U.S. District Court for the Eastern District of Texas
- g. U.S. District Court for the District of Colorado.

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

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

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

6. 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.

7. 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).

8. I have not previously applied to appear *pro hac vice* in any other proceeding before the Patent Trial and Appeal Board.

9. I am familiar with the subject matter at issue in this proceeding. Patent Owner asserted U.S. Patent No. 5,652,544 against QSC Audio Products, LLC ("QSC") in the United States District Court for the Southern District of Mississippi, Jackson Division (Civil Action No. 3:13-CV-610-CWR-FKB). I am QSC's lead trial lawyer in that case. The fact and legal issues presented in this Petition overlap the fact and legal issues in the district-court case. As lead trial counsel, I am very familiar with these overlapping issues.

10. I am an experienced litigation attorney, with experience in numerous lawsuits involving patent infringement in District Courts across the country, including approximately two decades of experience in patent trials, fact and expert

discovery, *Markman* hearings, and Federal Circuit oral arguments in patent-infringement litigation. My biography is attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the state of Washington and the United States of America that the foregoing is true and correct.

EXECUTED this 28 day of December, 2014, at Everett, BC

A handwritten signature in black ink, appearing to read 'G. Kinsel', is written over a horizontal line.

Grant M. Kinsel

Perkins Coie LLP
1202 Third Avenue
Seattle, WA 98101-3099
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PETITIONER QSC AUDIO PRODUCTS, LLC'S REVISED MOTION AND DECLARATION FOR *PRO HAC VICE* ADMISSION** was served electronically via e-mail on counsel of record on December 29, 2014.

N. Andrew Crain (andrew.crain@thomashorstemeyer.com)

Robert.Gravois (Robert.Gravois@thomashorstemeyer.com)

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

Professional Biography



GRANT E. KINSEL | PARTNER

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Grant Kinsel is a partner in the firm's Patent Litigation practice. Grant represents clients in cases involving diverse technological areas touching on his clients' core businesses. Examples include cases involving graphics processing technology, memory structures and power usage, MEM-systems, speech recognition and natural language processing, RFID, and UHF and VHF communications systems. Grant has extensive courtroom experience in the most patent-litigation heavy dockets in the country, including the Eastern District of Texas, the Northern District of California, the District of Delaware and the Central District of California.

Grant's intellectual property litigation experience also includes representing clients in matters relating to design patents, copyrights, trademark, trade secret, and unfair competition litigation. Grant's experience also includes representing clients at the interface of criminal law and intellectual property law, including investigations and litigation arising out of alleged criminal trademark infringement and theft of trade secrets.

PROFESSIONAL RECOGNITION

- Named a Southern California "Rising Star" by *Law & Politics Media Inc.* , 2007
- Named a Rising Star in Intellectual Property Litigation by *California Lawyer* , 2005, 2006

PROFESSIONAL LEADERSHIP

- California Bar Association
- American Intellectual Property Law Association (AIPLA)

EXPERIENCE

PATENT LITIGATION

THINKOPTICS, INC. V. NINTENDO OF AMERICA INC., ET AL.
Direct-pointing devices and methods.

MICROSOFT CORPORATION V. GEOTAG, INC.
Mapping products and services.

THORNER V. MICROSOFT CORPORATION

Haptic feedback devices and methods.

POTTER VOICE V. MICROSOFT CORPORATION

Associative searching for speech recognition.

CREST, INC. V. QSC AUDIO PRODUCTS, INC.

Use of DSPs in audio amplifiers.

QUINTAL RESEARCH V. NINTENDO OF AMERICA INC.

Handheld computing devices.

TRITON TECH OF TEXAS V. NINTENDO OF AMERICA INC., ET AL.

Mems-gyroscopes and accelerometer technologies.

MICROSOFT CORPORATION V. PHOENIX SOLUTIONS INC.

Fifteen patent declaratory relief action concerning speech recognition and natural language processing.

CLARK V. THE WALT DISNEY COMPANY*

Electronic art work.

GUARDIAN MEDIA TECHNOLOGIES V. NINTENDO OF AMERICA INC.*

Selective video playing systems.

WILLIAMS WIRELESS TECHNOLOGY INC. V. ROCKWELL COLLINS INC., ET AL.*

Defended Rockwell Collins in a patent case related to UHF and VHF flight data transmission systems.

SINGLE CHIPS SYSTEMS V. TRANSCORE INC.*

Radio Frequency Identification systems.

TRANSCORE INC. V. ELECTRONIC TRANSACTION CORPORATION*

Radio Frequency Identification systems.

OPTIVUS V. ION BEAM APPLICATIONS, S.A.*

Proton beam therapy systems.

AMERICAN VIDEO GRAPHICS L.P. V. ELECTRONIC ARTS INC.*

Defended Electronic Arts, LucasArts Entertainment Company, UbiSoft Entertainment and THQ in a patent case related to 3-D modeling technologies.

E.DIGITAL CORPORATION V. SANYO NORTH AMERICA*

Defended Sanyo North America in a patent case related to Flash ROM memory systems.

IN RE RONALD A. KATZ TECHNOLOGY LICENSING LP*

MDL concerning automated interactive call processing technology

ALLERGAN INC. V. PHARMACIA CORPORATION*

Represented declaratory judgment plaintiff in case concerning whether Allergan's Lumigan glaucoma medication infringed Pharmacia's patent covering certain ophthalmic solutions. Case settled on the first day of trial.

JAKKS PACIFIC INC. V. IMPERIAL TOY COMPANY*

Elastomeric gels.

NUANCE COMMUNICATIONS INC. V. ABBYY USA SOFTWARE HOUSE INC.*

Optical character recognition technology.

PATENT CATEGORY CORPORATION V. TARGET COMPANY*

Self-erecting structures.

SHARED MEMORY GRAPHICS, LLC V. APPLE INC., ET AL.

Defended Nintendo in patent case relating to graphics processing systems and methods.

* Prior Experience

NEWS

10.26.2009

Perkins Coie Adds Grant Kinsel to IP Practice in Los Angeles Office

Press Releases

Perkins Coie is pleased to announce that Grant Kinsel has joined its Los Angeles office as a partner. Grant is the 12th IP attorney to join Perkins Coie in the past four months.

AREAS OF FOCUS

PRACTICES

- Patent Litigation
- Trademark & Copyright Litigation
- Intellectual Property

INDUSTRIES

- Biotechnology & Pharmaceutical
- Interactive Entertainment
- Food & Beverage

BAR AND COURT ADMISSIONS

- California
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the District of Colorado
- U.S. Court of Appeals for the Federal Circuit

EDUCATION

- University of California, Los Angeles School of Law, J.D., Order of the Coif, 1994
- University of California, Los Angeles, B.A., Philosophy, 1991