

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.
Petitioner

v.

WESTERNGECO LLC
Patent Owner

Case No. IPR2014-00678
Patent No. 6,691,038

**PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF
CHRISTOPHER A. SUAREZ UNDER 37 C.F.R. § 42.10(C)**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Petroleum Geo-Services Inc. (PGS) respectfully submits this Motion For Admission *Pro Hac Vice* of Christopher A. Suarez, who was designated backup counsel upon filing of the Petition. Petitioner respectfully requests that the Board grant the motion. Although Mr. Suarez has already passed the USPTO Registration Examination, the Board has instructed Petitioner to file this Motion because Mr. Suarez has not yet

received a registration number.

I. INTRODUCTION

Section 42.10(c) of 37 C.F.R. provides that:

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 conditions as the Board may impose.

In this case, lead counsel (Jessamyn Berniker, Reg. No. 72,328) is a registered practitioner before the USPTO. The Board recently explained its other conditions for *pro hac vice* admission in an order in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (October 15, 2013). These conditions are met here, as explained in the required statement of facts below and the accompanying affidavit of Christopher A. Suarez attached to this motion, as required by the Board. *See id.* at 3.

II. STATEMENT OF FACTS

There is good cause to admit Christopher A. Suarez as backup counsel *pro hac vice* in this case. Mr. Suarez is a member of the State Bar of Illinois and District of Columbia. *See* Suarez Decl. ¶ 1. He has a thorough understanding of patent law, as well as patent office rules and procedures. For example, he recently completed a clerkship on the United States Court of Appeals for the Federal Circuit. *Id.* ¶ 4. Furthermore, he has already passed the USPTO registration

examination. He passed on March 18, 2014 and notice has already appeared in the USPTO's *Official Gazette* indicating his intent to register to practice. *Id.* ¶¶ 2-3. Although his registration awaits final approval, he avers that "[t]o the best of [his] knowledge, no comments have been filed to this date that would adversely affect [his] eligibility to practice before the USPTO, and [he] has no reason to expect that any such comments would be filed." *See id.* ¶ 3. Thus, it appears likely that he will receive a USPTO registration number shortly.

Beyond Mr. Suarez's qualifications to practice patent law generally, he has the requisite familiarity with the subject matter in this case specifically. He has been involved with the case for more than four months, has read background materials pertaining to the technology at issue in this case, and has worked extensively with experts who have explained concepts relating to marine seismic surveying and control systems to him at length. *See id.* ¶ 11. Moreover, he has a degree in Electrical Engineering and Computer Science from M.I.T., which has applicability to the computerized control system technology implicated by the challenged patent claims. *Id.*

Finally, beyond Mr. Suarez's qualifications to practice patent law before the USPTO and his familiarity with the relevant subject matter, Mr. Suarez has attested to the other requirements outlined by the Board in its *Pro Hac Vice* Order. *See Unified Patents*, Paper 7, at 3. He has averred that he has never been


suspended or disbarred from practice in any forum, has never been denied in an application for admission to a court or administrative body, and has never received contempt citations from a court or administrative body. *See id.* ¶¶ 5-7. Finally, he has averred that he has read and will comply with the rules outlined in the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, and that he will comply with the USPTO Rules of Professional Conduct and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶¶ 8-9. He has never applied for *pro hac vice* admissions in other proceedings prior to this date. *Id.* ¶ 10.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Christopher A. Suarez *pro hac vice* in this proceeding.

Dated: April 29, 2014

Respectfully Submitted,

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

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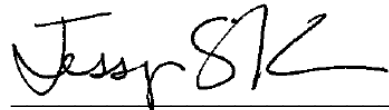
Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned Petroleum Geo-Service Inc.'s "Petitioner's Motion for Admission *Pro Hac Vice* of Christopher A. Suarez Under 37 C.F.R. § 42.10(c)" was served on the 29th day of April, 2014, on the Patent Owner at the official correspondence address for the attorney of record for the '038 Patent as shown in USPTO PAIR via FedEx:

WesternGeco L.L.C.
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DATE: April 29, 2014.



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