

Filed on behalf of NETWORK-1 TECHNOLOGIES, INC.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

NETWORK-1 TECHNOLOGIES, INC.
Patent Owner

Case No. IPR2015-00348
U.S. Patent 8,656,441

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
GREG DOVEL PURSUANT TO 37 C.F.R. 42.10(c)**

Exhibit List

Exhibit No.	Description
2001	“Brute-force search”— http://en.wikipedia.org/wiki/Brute-force_search (3/19/2015)
2002	U.S. Patent 8,447,762 (Brendel)
2003	U.S. Patent 7,167,984 (Graveman)
2004	Declaration of Greg Dovel in Support of Motion for <i>Pro Hac Vice</i> Admission

Motion

Pursuant to 37 C.F.R. § 42.10 (c), Patent Owner Network-1 Technologies, Inc. respectfully requests that the Board recognize Mr. Greg Dovel as counsel *pro hac vice* in this proceeding. This motion was authorized by the Board in Paper 4 of this proceeding (December 31, 2014 “Notice of Filing Date Accorded”).

As demonstrated below, this motion should be granted because the motion:

- is timely filed (*see* Section I);
- demonstrates the requisite good cause required by 37 C.F.R. § 42.10(c) (*see* Section II); and

- is accompanied by the requisite declaration (*see Unified Patents v. Parallel Iron*, Order – Authorizing Motion for *Pro Hac Vice* Admission, IPR2013-00639, Paper 7 (“IPR2013-00639 Order”) at 2) (*see* Section III).

I. Time for filing.

This Motion for *pro hac vice* admission is timely filed. A motion for *pro hac vice* is timely filed if it is filed “no sooner than twenty-one (21) days after service of the petition.” IPR2013-00639 Order at 2. This motion is being filed after the date that is 21 days after service of the petition (December 3, 2014). Accordingly, this motion is timely filed.

II. Statement of Facts.

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

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.

37 C.F.R. § 42.10(c). *See* IPR2013-00639 Order at 3 (“A motion for *pro hac vice* admission must: a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.”).

Good cause is established where:

[a] the lead counsel is a registered practitioner ..., [b] counsel is an experienced litigating attorney and [c] has an established familiarity with the subject matter at issue in the proceeding.

37 C.F.R. § 42.10(c) (lettering added). Here all three criteria are satisfied:

[a] Lead counsel, Charles R. Macedo, is a registered practitioner (Reg. No. 32,781) (*see* Patent Owner Mandatory Notice Information, filed on December 22, 2014).

[b] Counsel Greg Dovel is an experienced litigating attorney. In particular, as reflected in his accompanying Declaration, Mr. Dovel has:

- been a litigation attorney for 27 years – since 1988;
- first-chaired numerous jury and bench trials to verdict;
- been primarily litigating patent cases since 2000;
- been lead counsel on over 30 patent cases;
- litigated a number of patent cases through trial; and
- conducted oral arguments on six patent cases before the Federal Circuit.

Exh. 2004 ¶¶2-3.

In addition, Mr. Dovel has been admitted *pro hac vice* in the following matters before the Patent Trial and Appeal Board: IPR2015-00179, IPR2015-00180, IPR2013-00071, IPR2013-00092 (IPRs 2013-00385 and 00495 were joined with IPR2013-0071), CBM2014-00054, CBM2014-00170, CBM2015-00019, and CBM2015-00020. He conducted the oral hearing before the Board in IPR2013-0071 on behalf of the Patent Owner. Exh. 2004 ¶4.

[c] Mr. Dovel has an established familiarity with the subject matter at issue in this proceeding, U.S. Patent 8,656,441 (the ‘441 Patent). Mr. Dovel has read the ‘441 Patent and the prior art references that Petitioner has asserted against the ‘441 Patent. Exh. 2004 ¶6. Mr. Dovel also assisted lead counsel Mr. Macedo in drafting the Patent Owner’s Preliminary Response and is therefore familiar with the ‘441 Patent and the issues in this proceeding. Exh. 2004 ¶7. *See Google v. Arendis S.A.R.L.*, IPR2014-00452 Paper 22 at 2 (January 6, 2015) (granting motion for *pro hac vice* admission where the applicant “declares that he is familiar with the subject matter at issue in this proceeding based on having read the challenged patent and the references asserted by Petitioners, as well as familiarity with the contents of the Petition in this proceeding.”)

III. Affidavit or Declaration of Individual Seeking to Appear.

A *pro hac vice* motion must “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to” eight general requirements for *pro hac vice* admission. IPR2013-000639 Order at 3. This motion is accompanied by a declaration of Greg Dovel (Exh. 2004) in which Mr. Dovel attests to the general requirements for *pro hac vice* admission:

i. “Membership in good standing of the Bar of at least one State or District of Columbia” (IPR2013-000639 Order at 3), specifically the State of California. Exh. 2004 ¶8.

- ii. “No suspensions or disbarments from practice before any court or administrative body” (IPR2013-000639 Order at 3). Exh. 2004 ¶9.
- iii. “No application for admission to practice before any court or administrative body ever denied” (IPR2013-000639 Order at 3). Exh. 2004 ¶10.
- iv. “No sanctions or contempt citations imposed by any court or administrative body” (IPR2013-000639 Order at 3). Exh. 2004 ¶9.
- v. “The individual seeking to appear has 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 37 C.F.R.” (IPR2013-000639 Order at 3). Exh. 2004 ¶11.
- vi. “The individual will be subject to the USPTO 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)” (IPR2013-000639 Order at 3). Exh. 2004 ¶12.
- vii. “All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last there (3) years” (IPR2013-000639 Order at 3). Exh. 2004 ¶¶4, 13.
- viii. “Familiarity with the subject matter at issue in this proceeding” (IPR2013-000639 Order at 3). Exh. 2004 ¶¶5-7.

IV. Conclusion.

In light of the foregoing, Patent Owner Network-1 Technologies, Inc. respectfully submits that there is good cause for the Board to recognize Mr. Dovel as counsel *pro hac vice* during this proceeding.

Respectfully submitted,

Date: July 22, 2015

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF GREG DOVEL PURSUANT TO 37 C.F.R. 42.10(c) together with the DECLARATION OF GREG DOVEL IN SUPPORT OF MOTION FOR PRO HAC VICE ADMISSION (EXHIBIT 2004)** are being served by electronic mail this 22nd day of July 2015 on counsel for Petitioner as follows:

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