

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COX COMMUNICATIONS, INC.,
Petitioner,

v.

AT&T INTELLECTUAL PROPERTY I, L.P.,
Patent Owner.

Case IPR2015-01227
Patent 7,907,714 B2

MAIL STOP PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

**COX COMMUNICATIONS, INC.'S MOTION FOR
PRO HAC VICE ADMISSION OF SCOTT W. BERTULLI**

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10, Petitioner Cox Communications, Inc. (“Cox”) requests that the Board admit Scott W. Bertulli *pro hac vice* in this proceeding.

II. Good Cause Exists for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), 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. More specifically, 37 C.F.R. § 42.10(c) indicates that “where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Scott W. Bertulli *pro hac vice* during this proceeding.

Lead Counsel, Steven M. Bauer, is a registered practitioner, having USPTO Registration No. 31,481.

Counsel, Scott W. Bertulli, is a patent litigator having a deep familiarity with the subject matter at issue in the proceeding. Accompanying this motion is the Declaration of Scott W. Bertulli in Support of Motion for Admission *Pro Hac Vice* (Ex. 1015). Mr. Bertulli is a litigating attorney with litigation experience involving several relevant technologies. Ex. 1015 at ¶¶ 8-9. He is a member in good

standing with the Bar of the Commonwealth of Massachusetts. *Id.* at ¶ 2. He has never been suspended, disbarred, sanctioned, denied admission to practice, or cited for contempt by any court or administrative body. *Id.* at ¶ 3-5. Mr. Bertulli is familiar with the subject matter at issue, and his technical experience will aid Cox in this proceeding. *Id.* at ¶¶ 10-11. He also satisfies the remaining conditions for admissibility identified by the Board. *See Id.* at ¶¶ 6-7.

III. Conclusion

For the foregoing reasons, Cox respectfully requests that the Board admit Scott W. Bertulli *pro hac vice* in this proceeding.

Respectfully submitted,
Proskauer Rose LLP

/Steven M. Bauer/
Steven M. Bauer, Reg. No. 31,481
Attorney for Patent Owner

Date: January 5, 2016
PROSKAUER ROSE LLP
One International Place
Boston, Massachusetts 02110

EXHIBIT LIST

| Exhibit | Reference |
|---------|---|
| 1001 | USPN 7,907,714 (the “’714 patent”) (patent under <i>Inter Partes</i> Review) |
| 1002 | The file history for the ‘714 patent |
| 1003 | USPN 5,629,978 to Blumhardt <i>et al.</i> (“ <i>Blumhardt</i> ”) |
| 1004 | USPN 5,903,845 to Buhrmann <i>et al.</i> (“ <i>Buhrmann</i> ”) |
| 1005 | USPN 6,031,904 to An <i>et al.</i> (“ <i>An</i> ”) |
| 1006 | U.S. Patent Appl. No. 60/028,760 to An <i>et al.</i> (“ <i>An Provisional</i> ”) |
| 1007 | USPN 6,335,927 to Elliott <i>et al.</i> (“ <i>Elliott</i> ”) |
| 1008 | USPN 5,757,899 to Boulware <i>et al.</i> (“ <i>Boulware</i> ”) |
| 1009 | USPN 5,754,636 to Bayless <i>et al.</i> (“ <i>Bayless</i> ”) |
| 1010 | USPN 5,883,946 to Beck <i>et al.</i> (“ <i>Beck</i> ”) |
| 1011 | Supplemental Declaration of Terry L. Vieth Pursuant to 37 C.F.R. § 1.131, for U.S. Patent Appl. No. 09/050,986 |
| 1012 | Second Supplemental Declaration of Terry L. Vieth Pursuant to 37 C.F.R. § 1.131, for U.S. Patent Appl. No. 10/761,382 |
| 1013 | Third Supplemental Declaration of Terry L. Vieth Pursuant to 37 C.F.R. § 1.131, for U.S. Patent Appl. No. 10/761,382 |
| 1014 | Declaration of Professor Nader Mir, Ph.D. in Support of Request for <i>Inter Partes</i> Review of the ‘714 Patent |
| 1015 | Declaration of Scott W. Bertulli in Support of Motion for Admission Pro Hac Vice |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inter Partes Review Case No. IPR2015-01227

Inter partes Review of: U.S. Patent No. 7,907,714

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e) AND 42.105(a)

Dear Sir:

Pursuant to 37 C.F.R. § 42.6(e) and 42.105(a), I hereby certify that on January 5, 2016, I caused a complete copy of this Motion for Pro Hac Vice Admission of Scott W. Bertulli, the Declaration of Scott W. Bertulli in Support of Motion for Admission Pro Hac Vice, and Exhibit list to be served on the Patent Owner of the subject patent at the correspondence address of record as follows:

By EXPRESS MAIL® to:

David W. O'Brien
HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, TX 75219

By: /Scott Bertulli/
Scott Bertulli
Proskauer Rose LLP
One International Place
Boston, MA 02110
Tel: (617) 526-9600
Fax: (617) 526-9899
Attorney for Petitioner, Cox Communications, Inc.