

U.S. Patent No. 6,147,601
Petition for *Inter Partes* Review

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALARM.COM INCORPORATED
Petitioner

v.

VIVINT, INC.
Patent Owner

Patent No. 6,147,601
Filing Date: May 24, 1999
Issue Date: November 14, 2000
Title: ELECTRONIC MESSAGE DELIVERY SYSTEM UTILIZABLE IN THE
MONITORING OF REMOTE EQUIPMENT AND METHOD OF SAME

Inter Partes Review No. Unassigned

**MOTION FOR ADMISSION *PRO HAC VICE*
OF ROGER G. BROOKS**

UNDER 37 C.F.R. § 42.10

Petitioner Alarm.com Incorporated (“Alarm.com” or “Petitioner”) respectfully requests that the Board recognize Mr. Roger G. Brooks as counsel *pro hac vice* during this proceeding.

Time for Filing

This Motion for Admission *Pro Hac Vice* is being filed concurrently with the Petition for *Inter Partes* Review for U.S. Patent No. 6,147,601.

Statement of Facts

The following statement of facts shows that there is good cause for the Board to recognize Mr. Brooks *pro hac vice*.

Mr. Brooks is an experienced litigation attorney, having been lead counsel in multiple patent infringement litigations in district courts across the country. Mr. Brooks has experience in jury and bench trials, as well as *Markman* hearings. He has been admitted to practice before the Federal Circuit. Mr. Brooks’ biography is attached hereto as Exhibit 1214.

U.S. Patent No. 6,147,601 is currently asserted against Petitioner in a co-pending litigation, *Vivint, Inc. v. Alarm.com Inc.*, Case No. 2:15-CV-00392 (D. Utah) (“the co-pending litigation”). Mr. Brooks is lead counsel for Alarm.com in the co-pending litigation and, as such, has established a familiarity with the

subject matter at issue in this proceeding. Petitioner wishes to continue using Mr. Brooks as counsel in this proceeding. Additionally, Mr. Brooks has previously represented Alarm.com in other patent infringement litigations. Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Brooks as counsel *pro hac vice* during this proceeding.

Affidavit or Declaration of Individual Seeking to Appear

This Motion for Admission *Pro Hac Vice* is accompanied by an Affidavit of Mr. Roger G. Brooks.

Respectfully submitted,

By: /William H. Mandir/
William H. Mandir
Registration No. 32,156
Lead Counsel for Petitioner

**AFFIDAVIT OF MR. ROGER G. BROOKS IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE***

I, Roger G. Brooks, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the New York State Bar, as well as the following Federal Courts:

- a) U.S. Supreme Court (2010);
- b) U.S. Court of Appeals for the Federal Circuit (2000);
- c) U.S. Court of Appeals for the Second Circuit (2013);
- d) U.S. Court of Appeals for the Sixth Circuit (2002);
- e) U.S. Court of Appeals for the Seventh Circuit (2012);
- f) U.S. District Court for the Southern District of New York (2000); and
- g) U.S. District Court for the Eastern District of New York (2000).

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 Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

7. I have applied to appear *pro hac vice* before the Office in two petitions for *inter partes* review involving the patent that is the subject of the instant petition. Those petitions have been assigned case numbers IPR2015-02004 and IPR2016-00116. I am concurrently applying to appear *pro hac vice* before the Office in petitions for *inter partes* review of U.S. Patent No. 6,462,654; U.S. Patent No. 6,535,123; U.S. Patent No. 6,717,513; U.S. Patent No. 7,884,713; and U.S. Patent No. 6,924,727, which are five additional patents at issue in the co-pending litigation, *Vivint, Inc. v. Alarm.com Inc.*, Case No. 2:15-CV-00392 (D. Utah), involving the patent that is the subject of the instant Petition. I have not applied to appear *pro hac vice* before the Office in any other proceeding in the last three years.

8. I am an experienced litigation attorney. I have been lead counsel in multiple litigations involving patent infringement in district courts across the country, including experience in jury and bench trials, as well as *Markman* hearings. I have

been admitted to practice before the Federal Circuit. My biography is attached hereto as Exhibit 1214.

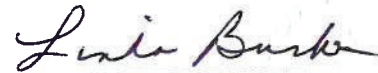
9. I am lead counsel for Petitioner Alarm.com Incorporated in the co-pending litigation, in which U.S. Patent No. 6,147,601, among others, is currently asserted against Petitioner Alarm.com Incorporated. I am familiar with the subject matter at issue in this proceeding, including the prior art on which Petitioner relies in this request.



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Signed and sworn before
me this 5th day of

NOVEMBER, 2015



LINDA BURKE
NOTARY PUBLIC, State of New York
No. 01BU6013140
Qualified in Richmond County
Certificate Filed in New York County
Commission Expires September 8, 2018

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the attached Motion for Admission *Pro Hac Vice* of Roger G. Brooks was sent via overnight Federal Express on November 5, 2015, to the following:

L. Grant Foster, Esq.
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Counsel of Record for U.S. Patent No. 6,147,601

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Patent Owner Counsel in IPR2015-02004

Dated: November 5, 2015

Respectfully submitted,
/s/ Brian K. Shelton
Brian K. Shelton
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