

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELECTRONIC ARTS INC.,

Petitioner,

v.

WHITE KNUCKLE GAMING, LLC,

Patent Owner.

Case IPR2016-00634

Patent 8,540,575

**PETITIONER'S MOTION FOR
PRO HAC VICE ADMISSION OF JOHN P. BOVICH**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), and as authorized in the Board's Notice of Filing Date (Paper 3), Petitioner Electronic Arts Inc. respectfully requests the *pro hac vice* admission of John P. Bovich in this proceeding.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE*

The Board may recognize counsel *pro hac vice* subject to the condition that lead counsel be a registered practitioner and upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter of the proceeding. *See* 37 C.F.R. 42.10(c); *see also Unified Patents v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (Oct. 15, 2013). The following facts establish good cause for the Board to recognize John P. Bovich *pro hac vice* in this proceeding:

A. Petitioner's lead counsel, Marc S. Kaufman, is a registered practitioner. Petitioner's back-up counsel, Gerard M. Donovan, is also a registered practitioner.

B. Accompanying this motion as Exhibit A is a Declaration of John P. Bovich in Support of this Motion for *Pro Hac Vice* Admission.

C. Mr. Bovich is a partner at the San Francisco office of the law firm Reed Smith LLP. (Ex. A, ¶2.)

D. Mr. Bovich is an experienced litigation attorney. Mr. Bovich has been litigating patent cases for 17 years. (*Id.* at ¶4.) Mr. Bovich has been practicing law since 1990 and has extensive experience litigating patent infringement cases in many different district courts across the United States. (*Id.* at ¶3.) Among his experience in patent litigation matters, Mr. Bovich has been lead counsel in multiple trials, *Markman* hearings, patent summary judgment proceedings, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and infringement issues. (*Id.* at ¶4.) Mr. Bovich has also been recognized as a leading patent litigation attorney by several different organizations, including selection by the Daily Journal as one of California's Top Intellectual Property Litigators for 2013 and being named a Super Lawyer in Northern California in 2014, 2015 and 2016. (*Id.* at ¶5.)

E. Mr. Bovich has an established familiarity with the subject matter at issue in this proceeding. Mr. Bovich is also lead appellate counsel for Petitioner in litigation involving the patent at issue in this proceeding, *White Knuckle Gaming, LLC v. Electronic Arts Inc.*, N.D. Utah, Case No. 1:15-cv-00150-JNP, currently on appeal to the Court of Appeals for the Federal Circuit in Case No. 16-2286. Mr. Bovich is also lead counsel for Petitioner in stayed litigation involving a patent related to the patent at issue in this proceeding, *White Knuckle IP, LLC v. Electronic Arts Inc.*, N.D. Utah, Case No. 1:15-cv-00036-DN.

F. Mr. Bovich has studied in detail the papers and exhibits submitted by Petitioner and Patent Owner in this proceeding. (*Id.*) Through his years of patent litigation experience, he is familiar with obviousness, the legal theory advanced in this proceeding. (*Id.*) Further, Mr. Bovich has engaged in hours of strategic and substantive discussions with counsel for Petitioner in this proceeding. (*Id.*)

G. Mr. Bovich is a member in good standing of the State Bar of California. (*Id.* at ¶6.)

H. Mr. Bovich has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)

I. No application of Mr. Bovich for admission to practice before any court or administrative body has ever been denied. (*Id.* at ¶7.)

J. No sanctions or contempt citations have been imposed against Mr. Bovich by any court or administrative body. (*Id.* at ¶8.)

K. Mr. Bovich 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 title 37 of the Code of Federal Regulations. (*Id.* at ¶9.)

L. Mr. Bovich understands that he will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.* at ¶10.)

M. Mr. Bovich also applied for, and was granted, *pro hac vice* admission in CBM2015-00010 and CBM2015-00021, and he presented Petitioner's oral argument in both matters. He has also been admitted *pro hac vice* in IPR2015-00600. (*Id.* at ¶11.) He concurrently seeks *pro hac vice* admission in IPR2015-01595, directed to a patent related to the patent at issue in this proceeding. (*Id.*) Mr. Bovich has not applied for *pro hac vice* admission in any other proceeding before the USPTO. (*Id.*)

N. This motion was filed no sooner than 21 days after service of the Petition in this proceeding, which occurred on February 18, 2016.

O. Counsel for Petitioner contacted counsel for Patent Owner on September 14, 2016 to determine whether Patent Owner would oppose Petitioner's motion for *pro hac vice* admission of Mr. Bovich. Counsel for Patent Owner responded that it would not oppose the motion.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests *pro hac vice* admission of John P. Bovich in this proceeding. Upon grant of this motion, Petitioner will file an Updated Power of Attorney.

Respectfully submitted,

Dated: September 15, 2016

/Marc S. Kaufman, Reg. No. 35,212/
Marc S. Kaufman
Reg. No. 35,212

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 15th day of September 2016, a true and correct copy of the foregoing **Petitioner's Motion for *Pro Hac Vice* Admission of John P. Bovich**, including supporting materials (Exhibit A, Declaration of John P. Bovich in Support of Motion for *Pro Hac Vice* Admission) was served via email upon the following attorney of record for Patent Owner:

Andrew S. Hansen
Hansen IP, LLC
282 Maxine Circle
Bountiful, Utah 84010
Andrew@hansenip.org

Respectfully submitted,

Dated: September 15, 2016

/Marc S. Kaufman, Reg. No. 35,212/
Marc S. Kaufman
Reg. No. 35,212

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE

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**DECLARATION OF JOHN P. BOVICH IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION**

I, John P. Bovich, declare the following:

1. This declaration is given in support of the Petitioner Electronic Arts Inc.'s Motion for *Pro Hac Vice* Admission of John P. Bovich.

2. I am a partner at the San Francisco office of the law firm Reed Smith LLP.

3. I have been practicing law since 1990 and have extensive experience litigating patent infringement cases in many different district courts across the United States.

4. I have been litigating patent cases for at least 17 years. My experience in patent litigation matters includes being lead counsel in multiple trials, *Markman* hearings, patent summary judgment proceedings, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and infringement issues.

5. I have been recognized as a leading patent litigation attorney by several different organizations, including selection by the Daily Journal as one of California's Top Intellectual Property Litigators for 2013 and being named a Super Lawyer of Northern California in 2014, 2015 and 2016.

6. I am a member in good standing of the Bar of California. I have never been suspended or disbarred from practice before any court or administrative body.

7. No court or administrative body has ever denied my application for admission to practice before it.

8. No court or administrative body has imposed sanctions or contempt citations on me.

9. 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 title 37 of the Code of Federal Regulations.

10. I understand that I 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).

11. I have also applied for, and was granted, *pro hac vice* admission in CBM2015-00010 and CBM2015-00021, and I presented Petitioner's oral argument in those proceedings. I have also been admitted *pro hac vice* in IPR2015-00600. I am concurrently seeking *pro hac vice* admission in IPR2015-01595, directed to a patent related to the patent at issue in this proceeding. I have not applied for *pro hac vice* admission in any other proceeding before the USPTO.

12. I have an established familiarity with the subject matter at issue in this proceeding. I am also lead appellate counsel for Petitioner in litigation involving the patent at issue in this proceeding, *White Knuckle Gaming, LLC v. Electronic Arts Inc.*, N.D. Utah, Case No. 1:15-cv-00150-JNP, currently on appeal to the

Court of Appeals for the Federal Circuit in Case No. 16-2286. I have taken over as lead counsel for Petitioner in its stayed district court litigation against the Patent Owner, *White Knuckle Gaming, LLC v. Electronic Arts Inc.*, N.D. Utah, Case No. 1:15-cv-00150-JNP, which involves a patent related to the patent at issue in this proceeding, *White Knuckle IP, LLC v. Electronic Arts Inc.*, N.D. Utah, Case No. 1:15-cv-00036-DN. I have studied in detail the papers and exhibits submitted by Petitioner and Patent Owner in this proceeding. Through my years of patent litigation experience, I am familiar with obviousness, the legal theory advanced in this proceeding.

13. I have engaged in hours of strategic and substantive discussions regarding this proceeding with Marc. S. Kaufman and Gerard M. Donovan, who are counsel for Petitioner in this proceeding.

14. I am thus very familiar with the '575 Patent and the issues involved in this proceeding.

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code.

Respectfully submitted,

Dated: September 15, 2016

/John P. Bovich/

John P. Bovich

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