

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

ACTIVISION BLIZZARD, INC.; ELECTRONIC ARTS INC.; TAKE-TWO  
INTERACTIVE SOFTWARE, INC.; 2K SPORTS, INC.; AND ROCKSTAR  
GAMES, INC.  
Petitioners

v.

ACCELERATION BAY LLC  
Patent Owner

---

**Case: IPR2016-00747**  
**U.S. PATENT NO. 6,732,147**

---

**PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION OF  
DAVID K. LIN UNDER 37 C.F.R. § 42.10**

BEFORE SALLY C. MEDLEY, LYNNE E. PETTIGREW, AND WILLIAM M.  
FINK, Administrative Patent Judges  
FINK, Administrative Patent Judge

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, Virginia 22313-1450  
*Submitted Electronically via the Patent Review Processing System*

Pursuant to 37 C.F.R. § 42.10, and pursuant to the authorization provided by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“Board”) in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper Number 4, March 28, 2016) (“the Notice”), Petitioners Activision Blizzard, Inc., Electronic Arts Inc.; Take-Two Interactive Software, Inc.; 2K Sports, Inc.; And Rockstar Games, Inc. (“Petitioner”) submits this motion for David K. Lin to appear *pro hac vice*. Petitioner respectfully requests the Board to recognize Mr. Lin as counsel *pro hac vice* during this proceeding and demonstrates good cause for doing so as shown below.

## **I. TIME FOR FILING**

Pursuant to the authorization provided in the Notice, as well as the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (Oct. 15, 2013) (“the Order”), this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the Petition.

## **II. STATEMENT OF FACTS**

Pursuant to the Order, the following statement of facts shows that good cause exists for the Board to recognize Mr. Lin *pro hac vice*.

Lead counsel for this proceeding, Andrew R. Sommer, is a registered practitioner (Reg. No. 53,932).

Mr. Lin is an experienced litigation attorney with approximately five years of litigation experience. Ex. 1105, ¶ 8. He has been involved in numerous patent infringement cases in federal district courts across the country. *Id.* He has experience in various aspects of patent infringement matters, including all aspects of litigation leading up to jury trials and bench trials, *Markman* hearings, and dispositive hearings. *Id.* Mr. Lin has received a Bachelor of Science in Electrical Engineering from University of California Los Angeles. *Id.*, ¶ 10.

Mr. Lin is a member in good standing of the State Bar of California and is admitted to practice before the United States District Court for the Eastern District of Texas; United States District Court, District of Nevada; United States District Court, Central District of California; United States District Court, Southern District of California; and United States District Court, Northern District of California. *Id.*, ¶ 1.

Mr. Lin has not been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him. *Id.*, ¶¶ 2-4.

Mr. Lin has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. Indeed, Mr. Lin is counsel of record in litigation between the Patent Owner and Petitioner before the District of Delaware. *Id.*, ¶ 9. As part of his work in the co-pending district court

litigation, Mr. Lin has reviewed the involved patent, the Petition, the prior art, and all other cited materials and was involved in the preparation of the Petition upon which the Board instituted trial. *Id.* Given his patent litigation experience and his familiarity with the instant Petition, the cited materials, and the patent, including the co-pending litigation involving that patent, Mr. Lin has established familiarity with the subject matter at issue in this proceeding. *Id.*

Mr. Lin has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.*, ¶¶ 5-6.

Mr. Lin has not applied to appear *pro hac vice* in the last three years in any other matter before the Board. *Id.*, ¶ 7. He is currently applying to appear *pro hac vice* in another related matter before the Board specifically *Activision Blizzard Inc. et al. v. Acceleration Bay, LLC*, Case No. IPR2016-00724. *Id.*

Given that Mr. Lin's familiarity with the subject matter at issue in this proceeding, and his technical qualifications germane to this proceeding, Petitioner respectfully submits that it has shown good cause for the Board to recognize Mr. Lin as counsel *pro hac vice* during this proceeding.

### **III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR**

This Motion is accompanied by a Declaration of Mr. Lin as required by the Order.

Dated: December 22, 2016

Respectfully submitted,

/s/ Andrew R. Sommer

Andrew R. Sommer

Reg. No. 53,932

*Lead Counsel for Petitioner*

WINSTON & STRAWN LLP  
1700 K Street NW  
Washington, DC 20006  
Telephone: (202) 282-5000  
Fax: (202) 282-5100  
Email: ASommer@winston.com

**§ 42.6(e)—CERTIFICATION OF SERVICE**

In accordance with § 42.6(e)(1), the undersigned certifies that on the 22nd day of December 2016, **PETITIONERS' MOTION FOR PRO HAC VICE ADMISSION OF DAVID K. LIN UNDER 37 C.F.R. § 42.10** was served by electronic mail upon the following counsel for Patent Owner

James Hannah  
Michael Lee  
Kramer Levin Naftalis & Frankel LLP  
990 Marsh Road  
Menlo Park, CA 94025  
(650) 752-1700  
[jhannah@kramerlevin.com](mailto:jhannah@kramerlevin.com)  
[mhlee@kramerlevin.com](mailto:mhlee@kramerlevin.com)  
[svdocketing@kramerlevin.com](mailto:svdocketing@kramerlevin.com)

Shannon Hedvat  
Jeffrey Price  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036  
(212) 715-9100  
[shedvat@kramerlevin.com](mailto:shedvat@kramerlevin.com)  
[jprice@kramerlevin.com](mailto:jprice@kramerlevin.com)

Respectfully submitted,

Dated: December 22, 2016

/Andrew R. Sommer/  
Andrew R. Sommer

(Reg. No. 53,932)

*Counsel for Petitioners Activision Blizzard,  
Inc., Electronic Arts Inc., Take-Two  
Interactive Software, Inc., 2K Sports, Inc.,  
and Rockstar Games, Inc.*

WINSTON & STRAWN LLP  
1700 K Street NW  
Washington, DC 20006