

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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FRONTIER WATER SYSTEMS, LLC,  
*Petitioner,*

v.

GENERAL ELECTRIC CORPORATION,  
*Patent Owner.*

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Case: IPR2017-01468  
U.S. Patent No. 7,790,034

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**PATENT OWNER'S MOTION FOR PRO HAC VICE ADMISSION OF  
BRIAN D. ROCHE PURSUANT TO 37 C.F.R. § 42.10(C)**

## EXHIBIT LIST

<i><b>Exhibit No.</b></i>	<i><b>Description</b></i>
<b>2001</b>	Declaration of Brian D. Roche in support of petitioner's motion for <i>pro hac vice</i> admission pursuant to 37 C.F.R. § 42.10(c)

## **I. RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date (Paper 3), which authorized the filing of motions for *pro hac vice* admission, Patent Owner Zenon Technology Partnership (“Patent Owner”) respectfully requests the *pro hac vice* admission of Brian D. Roche as additional back-up counsel in this proceeding. Petitioner has indicated that it does not oppose this motion.

## **II. TIME OF FILING**

In accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” entered in Case No. IPR2013-00639 (“*Pro Hac Vice* Order”), this motion is being filed no sooner than twenty-one days after service of the petition for *inter partes* review in this proceeding.

## **III. STATEMENT OF FACTS**

The following statement of facts shows good cause for the Board to recognize Mr. Roche *pro hac vice* in the current proceeding:

- A.** Petitioner’s counsel has indicated that Petitioner does not oppose this motion.
- B.** Patent Owner’s lead counsel, David Pollock, is a registered USPTO practitioner (Reg. No. 48,977), and a partner at the law firm of Reed Smith LLP.
- C.** Mr. Roche is a partner at the law firm of Reed Smith LLP.

- D.** Mr. Roche is an experienced attorney who has been practicing for at least 34 years and litigating patent cases for over 20 years.
- E.** Mr. Roche is admitted to practice law in Illinois, United States Supreme Court, United States District Court for the Northern District of Illinois, United States Court of Appeals for the Seventh Circuit, and United States Court of Appeals for the Third Circuit.
- F.** Mr. Roche has an established familiarity with the subject matter at issue in the proceeding through his active representation as lead counsel of Patent Owner as a party in the related district court litigation pending in the United States District Court for the District of Utah, Case No. 2:17-cv-00261-JNP (“Frontier Litigation”). In the Frontier Litigation, Petitioner seeks a declaration of non-infringement with respect to the ’034 Patent. In that action, Patent Owner has counterclaimed for infringement of the ’034 Patent. Mr. Roche’s experience in actively litigating the ’034 patent against Petitioner provides him with an established familiarity with the subject matter at issue in this proceeding.
- G.** Pursuant to the Notice of Filing Date (Paper 3), which references the “Order -- Authorizing Motion for *Pro Hac Vice* Admission” in Case

IPR2013-00639, Paper 7, Mr. Roche has submitted a declaration in support of this motion as Exhibit 2001.

**IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. ROCHE IN THIS PROCEEDING**

As counsel for Patent Owner, Mr. Roche has been actively involved in all aspects of the Frontier Litigation concerning the '034 patent. In view of Mr. Roche's knowledge of the subject matter at issue in this proceeding, Patent Owner has a substantial need for the *pro hac vice* admission and involvement of Mr. Roche in this proceeding. Further, Petitioner does not oppose this motion. Based on the facts contained herein and in Mr. Roche's declaration (Ex. 2001), good cause exists for the admission of Mr. Roche *pro hac vice* as additional back-up counsel in this proceeding.

Date: August 18, 2016

Respectfully submitted,

/s/ David Pollock

David Pollock (Reg. No. 48,977)

Jonathan I. Detrixhe (Reg. No. 68,556)

REED SMITH, LLP

101 Second Street, Suite 1800

San Francisco, CA 94105

*Counsel for Patent Owner*

## **CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on August 18, 2017, a complete and entire copy of Patent Owner's Motion for Pro Hac Vice Admission of Brian D. Roche Pursuant to 37 C.F.R. § 42.10(c) was provided electronically via email, pursuant to agreement of the parties under 37 C.F.R. § 42.6(e)(1), to the Petitioner by serving the correspondence address of record of lead and back-up counsel as follows:

Adam K. Yowell (Reg. No. 69,955)  
ayowell@bhfs.com  
Michael D. Rounds (*pro hac vice* pending)  
mrounds@bhfs.com  
**Brownstein Hyatt Farber Schreck**  
5371 Kietzke Lane  
Reno, Nevada 89511  
Tel: 775.324.4100

Paul J. Prendergast (Reg. No. 46,068)  
pprendergast@bhfs.com  
**Brownstein Hyatt Farber Schreck**  
410 Seventeenth St, Suite 2200  
Denver, CO 80202  
Tel: 303.223.1100

By: /s/ David Pollock  
David Pollock  
*Attorney for Patent Owner*