

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARROWS UP, LLC
Petitioner

v.

OREN TECHNOLOGIES, LLC
Patent Owner

Case No. IPR2018-01230
U.S. Patent No. 9,248,772

**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF ROBERT S. HILL**

Petitioner Arrows Up, LLC (“Arrows Up”) hereby moves under 37 C.F.R. § 42.10(c) for the admission *pro hac vice* of Robert S. Hill in the present *inter partes* review, such that he may be appointed back up counsel for Arrows Up. Arrows Up is also concurrently moving for the admission *pro hac vice* of Robert S. Hill in IPR2018-01231, IPR2018-01232, and IPR2018-01233.

I. Introduction and Background

Authorization for this motion was provided by the PTAB in the Notice of Filing Date Accorded to Petition (Paper No. 5). Counsel for Arrows Up consulted with counsel for Patent Owner Oren Technologies, LLC (“Oren”), and Oren agreed it would not oppose the present motion for *pro hac vice* admission of Mr. Hill. Therefore, the present motion is proper at this time. As explained further below, Mr. Hill is an experienced litigating attorney with an established familiarity with the subject matter at issue in this *inter partes* review.

“[W]here 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.” 37 C.F.R. § 42.10(c). The PTAB has set forth the requirements for *pro hac vice* admission: the motion for *pro hac vice* admission must

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
- b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:
 - i. Membership in good standing of the Bar of at least one State or the District of Columbia;
 - ii. No suspensions or disbarments from practice before any court or administrative body;
 - iii. No application for admission to practice before any court or administrative body ever denied
 - iv. No sanctions or contempt citations imposed by any court or administrative body;
 - v. The individual seeking to appear 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 37 C.F.R.;
 - vi. The individual 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);
 - vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
 - viii. Familiarity with the subject matter at issue in the proceeding.

Unified Patents, Inc. v. Parallel Iron, LLC, Case IPR2013-00639, 2013 WL 8700556 (PTAB Oct. 15, 2013).

II. Statement of Facts Showing Good Cause For the Present Motion

Mr. Hill is a member in good standing of the State Bars of California and Texas, and has practiced patent litigation since 2005. Hill Decl. at ¶ 2. Mr. Hill

litigates patent cases before various federal district courts, the United States Court of Appeals for the Federal Circuit, and the International Trade Commission. Hill Decl. at ¶ 3. Through his years of practice, Mr. Hill has gained substantial experience in trials, discovery, *Markman* hearings, and appeals. *Id.* Mr. Hill also has appeared before the Office *pro hac vice* before, including in IPR2013-00026 (Paper No. 27), and is familiar with IPR proceedings. Hill Decl. at ¶ 4.

Mr. Hill has never been suspended or disbarred from practice before any court or administrative body. Hill Decl. at ¶ 5.

Mr. Hill has never had any application for admission to practice before any court or administrative body denied. Hill Decl. at ¶ 6.

Mr. Hill has never had sanctions or contempt citations imposed by any court or administrative body. Hill Decl. at ¶ 7.

Mr. Hill 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 37 C.F.R. Hill Decl. at ¶ 8.

Mr. Hill 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). Hill Decl. at ¶ 9.

In the past three years, Mr. Hill has not applied for *pro hac vice* admission before the Office in any proceedings. Hill Decl. at ¶ 4.

Mr. Hill is very familiar with the subject matter at issue in this *inter partes* review. Hill Decl. at ¶ 10. Mr. Hill has represented Arrows Up with respect to several other patents of similar subject matter as U.S. Patent No. 9,248,772 (the “772 patent”). *Id.* During these representations, Mr. Hill has analyzed a significant number of patents, articles, and products in the field of transportation of hydraulic fracturing proppants. *Id.* Therefore, Mr. Hill, as a result of his long term representation of Arrows Up, is uniquely positioned to represent Arrows Up in this *inter partes* review.

III. Conclusion

For all of the foregoing reasons, there is good cause to admit Mr. Hill on a *pro hac vice* basis to serve as back up counsel for Arrows Up. Therefore, Arrows Up respectfully requests that this Unopposed Motion For *Pro Hac Vice* Admission of Robert S. Hill be granted.

Dated: March 20, 2019

Respectfully submitted,

Holland & Knight LLP

/s/ Allison M. Lucier

Allison M. Lucier
Reg. No. 70,205

/s/ Robert S. Hill
Robert S. Hill (admission *pro hac vice*
pending)

Counsel for Arrows Up, LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on March 20, 2019, a copy of this PETITIONER'S UNOPPOSED MOTION FOR PRO HAC VICE ADMISSION OF ROBERT S. HILL was served via email on lead counsel for Patent Owner, as consented to by the parties:

Gianni Cutri (gcutri@kirkland.com)

Service was also made via email on Patent Owner's back-up counsel:

Adam Kaufmann (adam.kaufmann@kirkland.com)

Eugene Goryunov (eugene.goryunov@kirkland.com)

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By /s/ Allison Lucier

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