

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

VEVEO, INC.
Patent Owner

Case IPR2019-00291
Patent 7,937,394

**PATENT OWNER VEVEO, INC.'S
MOTION FOR *PRO HAC VICE* ADMISSION OF PAULINE M.
PELLETIER UNDER 37 C.F.R. § 42.10(c)**

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P.O. Box 1450
Alexandria, VA 22313-1450

Exhibit List

Exhibit No.	Description
2001	Affidavit of Pauline M. Pelletier

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 3) (“Filing Date Notice”), the undersigned, on behalf of the Patent Owner Veveo, Inc. (“Veveo”), hereby respectfully requests the *pro hac vice* admission of Pauline M. Pelletier in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) of 37 C.F.R. provides as follows:

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where 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.

The Board has stated that any motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” entered in Case IPR2013-00639, Paper 7 (“*Unified Patents* Order”). (See Filing Date Notice, p. 2.)

The *Unified Patents* Order requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding;” and (2) “[b]e 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.

(See *Unified Patents* Order, p. 3.)

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Affidavit of Pauline M. Pelletier, submitted herewith as Ex. 2001, Veveo requests the *pro hac vice* admission of Ms. Pelletier in this proceeding:

1. Veveo's lead counsel, Jason D. Eisenberg, is a registered practitioner (Reg. No. 43,447).
2. Ms. Pelletier is an attorney at the law firm of Sterne, Kessler, Goldstein & Fox P.L.L.C. (Ex. 2001 at ¶ 3.)
3. Ms. Pelletier is an experienced patent litigation attorney whose practice focuses on patent litigation before the U.S. district courts and the U.S. International Trade Commission as well as post-grant trial and reexamination practice before the Office. (*Id.* at ¶ 4.) Ms. Pelletier also regularly represents clients before the U.S. Court of Appeals for the Federal Circuit, using her prior experience as a Federal Circuit law clerk. (*Id.*) Ms. Pelletier has litigated patent cases in a variety of technology areas, and involving a variety of legal issues. (*Id.*) Ms. Pelletier has assisted with dozens of post-grant proceedings before the Office, over a dozen patent-related appeals to the Federal Circuit, and numerous patent-related district court and ITC actions. (*Id.*) Ms.

Pelletier is versed in the statutory provisions, regulations, case law, and administrative materials applicable these proceedings. (*Id.*)

4. Ms. Pelletier is a member in good standing of the Bars of: Maryland, the District of Columbia, the United States Court of Appeals for the Federal Circuit, and the United States Supreme Court. (*Id.* at ¶5.)
5. Ms. Pelletier has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)
6. No application of Ms. Pelletier for admission to practice before any court or administrative body has ever been denied. (*Id.* at ¶6.)
7. No sanctions or contempt citations have ever been imposed against Ms. Pelletier by any court or administrative body. (*Id.* at ¶7.)
8. Ms. Pelletier 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. (*Id.* at ¶8.)
9. Ms. Pelletier understands that she 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). (*Id.* at ¶9.)
10. In the last three (3) years, Ms. Pelletier has applied to be admitted *pro hac vice* in IPR2016-01785, IPR2016-01834, and IPR2016-01835. (*Id.* at ¶10.) Ms. Pelletier will also be applying to appear *pro hac vice*

in IPR2019-00237, IPR2019-00238, IPR2019-00239, IPR2019-00290, IPR2019-00292, and IPR2019-00293, in separate *pro hac vice* motions being filed in those proceedings.

11. Ms. Pelletier has an established familiarity with the subject matter at issue in this proceeding. (*Id.* at ¶¶ 11, 13; *see also* § IV. below.)

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

“The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose.” 37 C.F.R. § 42.10(c). “[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.” *Id.*

Veveo’s lead counsel, Jason D. Eisenberg, is a registered practitioner. Based on the facts contained herein, as supported by Ms. Pelletier’s Affidavit, good cause exists to admit Ms. Pelletier *pro hac vice* in this proceeding.

As set forth in her Affidavit, Ms. Pelletier is an experienced patent litigation attorney who began working as an associate at Sterne Kessler in 2012. (Ex. 2001 at ¶ 4.) Ms. Pelletier left the firm for one year to complete a clerkship at the U.S. Court of Appeals for the Federal Circuit, after which she returned and continued to

focus her practice on patent litigation before the district courts and the U.S. International Trade Commission, as well as post-grant trial and reexamination practice before the Office. (*Id.*) Ms. Pelletier has litigated patent cases in a variety of technology areas, and involving a variety of legal issues. (*Id.*) Ms. Pelletier has been involved in dozens of post-grant proceedings before the Office, over a dozen appeals to the Federal Circuit, and numerous district court and ITC actions. (*Id.*) Additionally, Ms. Pelletier is versed in the statutory provisions, regulations, case law, and administrative guidance applicable to these proceedings. (*Id.*)

Ms. Pelletier also has an established familiarity with the subject matter at issue in this proceeding. (*Id.* at ¶11.) Ms. Pelletier is versed in the records, facts, legal theories, and procedural issues involved. (*Id.*) Ms. Pelletier has reviewed in detail the '394 patent. (*Id.*) Ms. Pelletier has also reviewed the references and exhibits discussed in the Petition for Inter Partes Review. (*Id.*) Ms. Pelletier has reviewed in detail the pleadings submitted in this proceeding and has engaged in strategic and substantive discussions regarding this proceeding. (*Id.* at ¶ 12.) Ms. Pelletier is versed in both the legal and technical issues involved in this proceeding. (*Id.* at ¶¶ 11-12.)

Based on the facts contained herein, as supported by Ms. Pelletier's Affidavit, good cause exists to admit Ms. Pelletier *pro hac vice* in this proceeding.

V. CONCLUSION

For the foregoing reasons, Veveo respectfully requests that Pauline M. Pelletier be admitted *pro hac vice* in this proceeding.

The Patent Trial and Appeal Board is hereby authorized to charge any fees associated with this filing to Deposit Account 19-0036.

Date: January 18, 2019

Respectfully submitted,

/Jason D. Eisenberg/

Jason D. Eisenberg, Reg. No. 43,447
Daniel S. Block, Reg. No. 68,395
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the foregoing **VEVEO, INC'S**
MOTION FOR PRO HAC VICE ADMISSION OF PAULINE M.
PELLETIER UNDER 37 C.F.R. § 42.10(c) and associated **Exhibit 2001** were
electronically served via e-mail on January 18, 2019 in their entirety on the
following:

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/Jason D. Eisenberg/

Jason D. Eisenberg, Reg. No. 43,447
Counsel for Patent Owner

Date: January 18, 2019

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