

Paper No. _____
Filed: March 4, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WILLIAM HILL U.S. HOLDCO, INC. AND
BRANDYWINE BOOKMAKING LLC

Petitioner

v.

CG TECHNOLOGY DEVELOPMENT, LLC,
Patent Owner

Case IPR2019-00319
Patent No. 9,240,098

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
ROBERT F. SHAFFER UNDER 37 C.F.R. § 41.10(c)**

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the authorization to file motions for *pro hac vice* admission in the Notice of Filing Date Accorded to Petition (Paper No. 5), Patent Owner CG Technology Development, LLC requests that the Board admit Robert F. Shaffer in this proceeding.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE BACK-UP COUNSEL *PRO HAC VICE* DURING THE PROCEEDING

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* subject to the condition that lead counsel be a registered practitioner and to any other conditions that the Board may impose. Section 42.10(c) provides that “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.” *See also Unified Patents v. Parallel Iron*, IPR2013-00639, Paper 7 (Oct. 15, 2013). The following facts establish good cause for the Board to recognize Robert F. Shaffer *pro hac vice* in this proceeding:

1. This Motion for *Pro Hac Vice* Admission is supported by a Declaration of Robert F. Shaffer (Exhibit 2010).

2. As a partner with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Mr. Shaffer is an experienced patent litigator with experience in numerous patent infringement litigations. Ex. 2010 ¶¶ 1, 10. His experience includes fact and expert document and deposition discovery, claim construction, *Markman* hearings, motion practice, and trials and hearings. He has litigated patents for approximately 17 years.
3. Mr. Shaffer is counsel for CG Technology Development LLC, in the co-pending district court litigation, No. 18-533-RGA (D. Del.). Mr. Shaffer is concurrently applying to appear *pro hac vice* in another proceeding, IPR2019-00317, before the Office that is related to the co-pending district court case.
4. Mr. Shaffer has been actively involved in the co-pending district court case. As a result, he has closely studied and is thoroughly familiar with the '098 and '224 patents and the prior art asserted against the '098 and '224 patents in both IPR2019-00317 and IPR2019-00319.
5. Mr. Shaffer is a member of good standing of the Bar of the District of Columbia (Bar No. 472423) and the Commonwealth of Virginia (Bar No. 45848), has never been suspended or disbarred from practice before any court or administrative body, has never had a court or administrative body deny his application for admission to practice, and has never had any court

or administrative body impose sanctions or contempt citations against him.

Id. ¶¶ 2-5, 7. He has read and will comply with the Office Patent Trial

Practice Guide and the Board's Rules of Practice for Trials, as set forth in 37

C.F.R. Part 42, and agrees to 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.* ¶¶ 8, 9.

6. Patent Owner's lead counsel, Joshua L. Goldberg, is a registered practitioner, and Mr. Shaffer is an experienced litigation attorney having established familiarity with the subject matter at issue in this proceeding.

Therefore, Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Shaffer as counsel *pro hac vice* during this proceeding.

7. Counsel for Petitioner does not oppose Mr. Shaffer appearing *pro hac vice* during this proceeding.

III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Robert F. Shaffer *pro hac vice* in this proceeding.

Date: March 4, 2019

Respectfully submitted,

By: /Joshua L. Goldberg/
Joshua L. Goldberg, Lead Counsel
Reg. No. 59,369

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing
**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
ROBERT F. SHAFFER** was served electronically on March 4, 2019, on counsel
of record for the Petitioner as follows:

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Dated: March 4, 2019

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