

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HULU, LLC, and  
NETFLIX, INC.,  
Petitioners,

v.

UNILOC 2017 LLC,  
Patent Owner.

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PTAB Case No. IPR2020-00008

Patent No. 9,721,273 B2

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**PETITIONER(S) MOTION FOR *PRO HAC VICE* ADMISSION OF  
MATTHEW C. BERNSTEIN UNDER 37 C.F.R. § 42.10(c)**

Petitioners Hulu, LLC, and Netflix, Inc. (collectively “Petitioners”) respectfully request that the Board admit Matthew C. Bernstein as backup counsel *pro hac vice* in this proceeding. Mr. Bernstein is an experienced litigation attorney and has substantial knowledge in the substantive issues of the invalidity of the challenged claims of the Patent in this proceeding. He is lead counsel for Petitioners in the related district court proceeding. Therefore, Mr. Bernstein meets the requirements of “an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding” under 37 C.F.R. §42.10(c).

**1. Time For Filing**

This Motion for *Pro Hac Vice* Admission has been authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on October 21, 2019 (Paper 4). This Motion is filed no sooner than twenty one (21) days after service of the petition.

**2. Statement of Facts**

In this proceeding, lead counsel for Petitioner is Babak Tehranchi, a registered practitioner. The following statement of facts shows that there is good cause for the Board to admit Mr. Bernstein *pro hac vice*.

Mr. Bernstein is a patent litigation attorney with more than 20 years of

experience representing clients in cases involving computer hardware and software, semiconductors, Internet and e-commerce, hand held computers, and other mobile devices. (Affidavit of Matthew C. Bernstein (“Bernstein Affidavit”), ¶ 8 in Exhibit 1021.)

Mr. Bernstein regularly litigates patent cases in various forums including the United States Court of Appeals for the Federal Circuit, various federal district courts, and the International Trade Commission. (*Id.*) He has experience representing clients in many phases of litigation including discovery, Markman hearings, jury trials, and appeals. (*Id.*) Mr. Bernstein’s biography is attached to the Bernstein Affidavit (Exhibit 1021) as Appendix A.

Mr. Bernstein has an established familiarity with the subject matter at issue in this proceeding. He is lead counsel for Petitioners in the related district court case (*Uniloc 2017 LLC v. Netflix, Inc.*, Case No. 8:18-cv-2055-GW-DFMx (C.D. Cal.) (filed November 17, 2018)). He has also represented Petitioners as lead counsel in other court cases involving similar technology (*Digital Media Technologies, Inc. v. Amazon.com, Inc.*, Case No. 4:16-cv- 00244 (N.D. Fla.) (filed April 26, 2016), *Digital Media Technologies, Inc. v. Hulu, LLC*, Case No. 4:16-cv-00245 (N.D. Fla.) (filed April 26, 2016), *Digital Media, Technologies, Inc. v. Netflix, Inc.*, Case No. 4:16-cv-00243 (N.D. Fla.) (filed April 26, 2016); *Convergent Media*

*Solutions, LLC v. AT&T, Inc.*, 3:15-cv-2156-M (N.D. Tex.)(filed June 26, 2015),  
*TransVideo Electronics Ltd. v. Hulu, LLC*, 1:13-cv-01399 (D. Del.) (filed August  
7, 2013), *TransVideo Electronics Ltd. v. Netflix, Inc.*, 1:12-cv-01743 (D. Del.)  
(filed December 20, 2012)).

Mr. Bernstein is familiar with the technologies and issued claims in the  
9,721,273 B2 Patent. Mr. Bernstein is also familiar with the prior art references  
cited in PTAB Case No. IPR2020-00008 and the associated invalidity grounds  
before the PTAB.

**3. Affidavit or Declaration of Individual Seeking to Appear**

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of  
Mr. Bernstein (Exhibit 1021) as required.

**4. Conclusion**

Accordingly, Petitioners submit that there is good cause under 37  
C.F.R. § 42.10(c) for the Board to admit Matthew C. Bernstein as counsel *pro hac*  
*vice* and to authorize Mr. Bernstein to represent Petitioners as back-up counsel in  
this proceeding.

Petitioners' Motion for *Pro Hac Vice* Admission  
PTAB Case No. IPR2020-00008

Dated: December 27, 2019

PERKINS COIE LLP  
11452 El Camino Real  
Suite 300  
San Diego, California 92130-2080  
(858) 720-5700

Respectfully submitted,

/Babak Tehranchi/

Lead Counsel  
Babak Tehranchi, Reg. No. 55,937

Back-up Counsel  
Matthew C. Bernstein, *Pro Hac Vice*  
Patrick J. McKeever, Reg. No. 66,019  
Martin E. Gilmore, *Pro Hac Vice*

Attorneys for Petitioners

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of the foregoing  
PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37  
C.F.R. § 42.10(c) and EXHIBIT 1021 were served in their entirety this 27th day of  
December, 2019 by electronic mail on the Patent Owner via its attorneys of record:

Ryan Loveless (Reg. No. 51,970)  
[ryan@etheridgelaw.com](mailto:ryan@etheridgelaw.com)

Brett Mangrum (Reg. No. 64,783)  
[brett@etheridgelaw.com](mailto:brett@etheridgelaw.com)

James Etheridge (Reg. No. 37,614)  
[jim@etheridgelaw.com](mailto:jim@etheridgelaw.com)

Jeffrey Huang (Reg. No. 68,639)  
[jeff@etheridgelaw.com](mailto:jeff@etheridgelaw.com)

ETHERIDGE LAW GROUP  
2600 E. Southlake Blvd., Ste. 120-324  
Southlake, TX 76092

Date: December 27, 2019

By: /Anita Chou/  
Anita Chou