

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

PACT XPP SCHWEIZ AG,
Patent Owner.

Case IPR2020-00541
Patent 9,075,605

**PATENT OWNER PACT XPP SCHWEIZ AG'S
UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE* OF
MARK TUNG**

Patent Owner PACT XPP Schweiz AG (“PACT”) respectfully requests that the Board recognize Mark Tung, Esq. as *pro hac vice* counsel for PACT in this proceeding. This is unopposed by Petitioner Intel Corporation (“Intel”).

I. BACKGROUND

PACT’s Motion for *Pro Hac Vice* Admission is being filed pursuant to and in compliance with the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, which was filed March 13, 2020 (Paper 5) (the “Notice”). The Notice authorizes parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Further to the Notice, such “motions shall be filed in accordance with the ‘Order– Authorizing Motion for *Pro Hac Vice* Admission’ in Case IPR2013-00639” (the “Order”).

II. TIME OF FILING

This Motion for *Pro Hac Vice* Admission is being filed in accordance with the Notice authorizing the filing of a Motion for *Pro Hac Vice* Admission, and is filed greater than 21 days after that Notice.

III. STATEMENT OF FACTS

As required by the Order, the following statement of facts, supported by the attached Declaration of Mark Tung in Support of Motion for *Pro Hac Vice* Admission (Ex. 2023), shows that there is good cause for the Patent Trial and

Appeal Board (“Board”) to recognize Mr. Tung *pro hac vice* in this proceeding.

As required by 37 C.F.R. § 42.10(c), PACT’s lead counsel, Ziyong Li, is a registered practitioner experienced in proceedings before the USPTO.

Mr. Tung is an experienced litigation attorney. Mr. Tung has been litigating cases for more than 10 years, and has been involved in numerous patent litigation cases in federal courts. Mr. Tung’s experience includes representing a wide range of clients in complex intellectual property and commercial litigation in various Appellate and District Courts. This will be Mr. Tung’s first appearance *pro hac vice* before the Board. Mr. Tung is a member in good standing of the California State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations. Additionally, Mr. Tung is admitted to practice in Northern District of California, Central District of California, Southern District of California, Eastern District of Texas, and United States Court of Appeals: Ninth Circuit. His mailing address is: Quinn Emanuel Urquhart & Sullivan LLP, 555 Twin Dolphin Dr., 5th Floor, Redwood Shores, California 94065. His email address is: marktung@quinnemanuel.com, and his direct dial is: (650) 801-5016.

Mr. Tung has worked with lead counsel in most aspects of his participation in this proceeding. As such, he has reviewed and is very familiar with (i) U.S. Patent No. 9,075,605, the patent at issue in this proceeding; (ii) the prior art relied

upon by Petitioner; (iii) the legal and factual arguments made by Petitioner in both its Petition for *inter partes* review and in the supporting declaration of Dr. Carl Sechen (Ex. 1001), as well as the legal and factual arguments addressed by PACT in its Preliminary Patent Owner Response; and (iv) the developments in this proceeding since Petitioner filed its Petition, as well as the developments in related matters before the Board. Mr. Tung has experience with its established practices by way of his informal assistance in the preparation of papers and trial materials in other proceedings before the Board, and has otherwise fully familiarized himself with the Board's established practices. Accordingly, he has established familiarity with the subject matter at issue in these proceedings and the conduct of these proceedings to date.

Mr. Tung has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of 37 C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.01 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

IV. ANALYSIS

The facts contained in the Statement of Facts above, and contained in the Tung Declaration, establish that there is good cause to admit Mr. Tung *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). PACT's lead counsel is a

registered practitioner, Mr. Tung is an experienced litigating attorney, and Mr. Tung has an established familiarity with the subject matter at issue in these proceedings.

V. CONCLUSION

Therefore, PACT respectfully submits that there is good cause for the Board to recognize Mr. Tung as *Pro Hac Vice* for PACT during these proceedings. PACT's Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Mr. Tung (Ex. 2023) as required by the Order.

Date: November 16, 2020

Respectfully submitted,

/Ziyong Li/
Ziyong Li (Reg. No. 76,089)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Tel: (415) 875-6373
Fax: (415) 875-6700
Email: seanli@quinnemanuel.com

Lead Attorney for Patent Owner
PACT XPP Schweiz AG

Exhibit List

Exhibit #	Reference Name
2023	Declaration of Mark Tung in support of PACT XPP Schweiz AG's Motion for Admission <i>Pro Hac Vice</i> of Mark Tung

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that
PATENT OWNER PACT XPP SCHWEIZ AG'S MOTION FOR ADMISSION
PRO HAC VICE OF MARK TUNG, along with all exhibits, were served on
November 16, 2020 by filing these documents through the Patent Review
Processing System, as well as by e-mailing copies to:

Kevin Bendix
Reg. No. 67,164
Intel_PACT_IPR@kirkland.com
kevin.bendix@kirkland.com
KIRKLAND & ELLIS LLP
555 South Flower Street, Suite 3700
Los Angeles, CA 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

Robert A. Appleby, P.C.
Reg. No. 40,897
robert.appleby@kirkland.com
Gregory S. Arovas, P.C.
Reg. No. 38,818
greg.arovas@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Date: November 16, 2020

Respectfully submitted,

By: /Ziyong Li/

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Ziyong Li (Reg. No. 76,089)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Tel: (415) 875-6373
Fax: (415) 875-6700
Email: seanli@quinnemanuel.com

*Attorney for Patent Owner –
PACT XPP SCHWEIZ AG.*