

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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INTEL CORPORATION  
Petitioner,

v.

PACT XPP SCHWEIZ AG  
Patent Owner.

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Case No. IPR2020-00541

Patent No. 9,075,605

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**PETITIONER’S UNOPPOSED MOTION FOR THE *PRO HAC VICE*  
ADMISSION OF BRANDON H. BROWN, KYLE A. CALHOUN, AND  
SARAH MIKOSZ**

**I. RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Intel Corporation (“Intel”) respectfully moves the Patent Trial & Appeal Board (“Board”) for the *pro hac vice* admission of Brandon H. Brown, Kyle A. Calhoun, and Sarah Mikosz in this proceeding. Patent Owner has indicated that it does not oppose this motion.

**II. GOVERNING LAW, RULES, AND PRECEDENT**

The Board is authorized to recognize counsel *pro hac vice* pursuant to 37 C.F.R. § 42.10(c), which provides that:

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 a motion for admission *pro hac vice* should include a “statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding” and “[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."

*Unified Patents, Inc. v. Parallel Iron, LLC*, IPR 2013-00639 (MPT) (Paper 7 at 3-4).

### **III. STATEMENT OF FACTS**

Based on the following facts, supported by a declaration, Intel requests that Brandon H. Brown, Kyle A. Calhoun, and Sarah Mikosz be admitted *pro hac vice* in this proceeding. As an initial matter, Intel's lead counsel in this matter, Kevin Bendix (Reg. No. 67,164), is a registered practitioner.

#### **A. Mr. Brown Meets The Requirements For Admission *Pro Hac Vice***

1. Mr. Brown has more than 10 years of experience as a litigation attorney specializing in patent litigation, representing clients in patent litigation matters in various United States District Courts and the International Trade Commission.

2. Mr. Brown is very familiar with U.S. Patent No. 9,075,605, and with the legal subject matter, technical subject matter, and prior art discussed in Petitioner's Request for *Inter Partes* Review of U.S. Patent No. 9,075,605 which forms the basis for this proceeding. He is counsel for Intel in the co-pending district court action related to this patent (*PACT XPP SCHWEIZ AG v. Intel Corporation*, Civil Action No. 19-cv-1006-JDW (D. Del.), filed May 30, 2019) and is involved with factual and technical developments in that matter.
3. Mr. Brown is a member in good standing of the Bar of the State of California. He is admitted to practice before before the United States District Court for the Northern District of California, the United States District Court for the Central District of California, the United States District Court for the Eastern District of Texas, the United States District Court for the Northern District of Illinois, and United States Court of Appeals for the Federal Circuit.
4. Mr. Brown has never been suspended or disbarred from practice before any court or administrative body.
5. Mr. Brown has never had a court or administrative body deny an application for admission to practice.
6. Mr. Brown has never been sanctioned or cited for contempt by any court or administrative body.

7. Mr. Brown 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.

8. Mr. Brown agrees to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

9. In the past 3 years, Mr. Brown has been admitted *pro hac vice* as counsel before the PTAB in the following actions:

- *Inter Partes* Reviews IPR2020-00525, IPR2020-00528 and IPR2020-00535 as counsel for Petitioner Intel Corporation

**B. Mr. Calhoun Meets The Requirements For Admission *Pro Hac Vice***

1. Mr. Calhoun has more than 4 years of experience as a litigation attorney specializing in patent litigation, representing clients in patent litigation matters in various United States District Courts and the International Trade Commission.

2. Mr. Calhoun is very familiar with U.S. Patent No. 9,075,605, and with the legal subject matter, technical subject matter, and prior art discussed in Petitioner's Request for *Inter Partes* Review of U.S. Patent No. 9,075,605

which forms the basis for this proceeding. He is counsel for Intel in the co-pending district court action related to this patent (*PACT XPP SCHWEIZ AG v. Intel Corporation*, Civil Action No. 19-cv-1006-JDW (D. Del.), filed May 30, 2019) and is involved with factual and technical developments in that matter.

3. Mr. Calhoun is a member in good standing of the Bar of the State of California.
4. Mr. Calhoun has never been suspended or disbarred from practice before any court or administrative body.
5. Mr. Calhoun has never had a court or administrative body deny an application for admission to practice.
6. Mr. Calhoun has never been sanctioned or cited for contempt by any court or administrative body.
7. Mr. Calhoun 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.
8. Mr. Calhoun agrees to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
9. In the past three years, Mr. Calhoun has been admitted as *pro hac vice* counsel before the PTAB in the following action:

- *Inter Partes* Reviews IPR2020-00535 as counsel for Petitioner Intel Corporation

**C. Ms. Mikosz Meets The Requirements For Admission *Pro Hac Vice***

1. Ms. Mikosz has more than 1 year of experience as a litigation attorney specializing in patent litigation, representing clients in patent litigation matters in various United States District Courts.

2. Ms. Mikosz is very familiar with U.S. Patent No. 9,075,605, and with the legal subject matter, technical subject matter, and prior art discussed in Petitioner's Request for *Inter Partes* Review of U.S. Patent No. 9,075,605, which forms the basis for this proceeding. She is counsel for Intel in the co-pending district court action related to this patent (*PACT XPP SCHWEIZ AG v. Intel Corporation*, Civil Action No. 19-cv-1006-JDW (D. Del.), filed May 30, 2019) and is involved with factual and technical developments in that matter.

3. Ms. Mikosz is a member in good standing of the Bar of the State of California.

4. Ms. Mikosz has never been suspended or disbarred from practice before any court or administrative body.

5. Ms. Mikosz has never had a court or administrative body deny an application for admission to practice.

6. Ms. Mikosz has never been sanctioned or cited for contempt by any court or administrative body.

7. Ms. Mikosz 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.

8. Ms. Mikosz agrees to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

9. In the past three years, Ms. Mikosz has been admitted *pro hac vice* as counsel before the PTAB in the following action:

- *Inter Partes* Reviews IPR2020-00535 as counsel for Petitioner Intel Corporation

**IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. BROWN, MR. CALHOUN AND MS. MIKOSZ 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 any other conditions the Board may impose. 37 C.F.R. § 42.10(c). Intel's lead counsel in this matter, Kevin Bendix (Reg. No. 67,164), is a registered practitioner. Based on the facts contained herein, good cause exists to admit Mr. Brown, Mr. Calhoun and Ms. Mikosz *pro hac vice*.

Mr. Brown is an experienced litigator with more than 10 years of patent litigation experience. Mr. Brown has represented clients in many matters related to computer systems, computer architectures, processor design, reconfigurable computing, and networked computer technologies, among others, and has significant experience in patent litigation matters. Mr. Brown is counsel for Intel in the co-pending litigation on this same patent between the same parties and is actively involved with the strategy and fact development in the matter. In view of Mr. Brown's extensive knowledge of the subject matter of this proceeding Intel has



a substantial need for Mr. Brown's *pro hac vice* admission and his involvement in the continued defense of this proceeding.

Mr. Calhoun is an experienced litigator with more than 4 years of patent litigation experience. Mr. Calhoun has represented clients in matters related to computer systems and networked communications technologies, among others, and has significant experience in patent litigation matters. Mr. Calhoun is counsel for Intel in the co-pending litigation on this same patent between the same parties and is actively involved with the strategy and fact development in the matter. In view of Mr. Calhoun's extensive knowledge of the subject matter of this proceeding Intel has a substantial need for Mr. Calhoun's *pro hac vice* admission and his involvement in the continued defense of this proceeding.

Ms. Mikosz is an experienced litigator with more than 1 year of patent litigation experience. Ms. Mikosz has represented clients in matters related to computer systems and networked communications technologies, among others, and has significant experience in patent litigation matters. Ms. Mikosz is counsel for Intel in the co-pending litigation on this same patent between the same parties and is actively involved with the strategy and fact development in the matter. In view of Ms. Mikosz's extensive knowledge of the subject matter of this proceeding Intel has a substantial need for Ms. Mikosz's *pro hac vice* admission and his involvement in the continued defense of this proceeding.

**V. CONCLUSION**

For the foregoing reasons, Intel respectfully requests that Brandon H. Brown, Kyle A. Calhoun and Sarah Mikosz be admitted *pro hac vice*.

Dated: November 13, 2020

Respectfully submitted,

/s/ Kevin Bendix

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Petitioner's Motion For *Pro Hac Vice* Admission

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**PETITIONER'S UPDATED EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
1001	Declaration of Carl Sechen, Ph.D. ("Ex. 1001")
1002	Carl Sechen, Ph.D. <i>Curriculum Vitae</i>
1003	U.S. Patent No. 9,075,605 (the "'605 patent")
1004	Certified File History of U.S. Patent Application No. 13/653,639 ("'605 file history") (without copies of the prior art references)
1005	U.S. Patent No. 8,099,618 (the "'618 patent")
1006	U.S. Patent No. 7,444,531 (the "'531 patent")
1007	U.S. Patent No. 9,552,047 (the "'047 patent")
1008	Certified File History of U.S. Patent Application No. 14/219,945 ("'047 file history") (without copies of the prior art references)
1009	U.S. Patent No. 6,141,762 ("Nicol")
1010	U.S. Patent No. 6,367,023 ("Kling")
1011	U.S. Patent No. 6,535,798 ("Bhatia")
1012	U.S. Patent No. 6,052,773 ("DeHon")
1013	Complaint, <i>XPP Schweiz AG v. Intel Corp.</i> , Case No. 1:19-cv-1006-UNA (D. Del.) (No. 1) ("Complaint")
1014	Kung, H.T., <i>Why Systolic Architectures?</i> , Computer Vol. 15 (Pub. January 1982)
1015	Reserved
1016	Joint Claim Construction Chart, <i>XPP Schweiz AG v. Intel Corp.</i> , Case No. 1:19-cv-1006-UNA (D. Del.) (No. 67) ("Joint Claim Construction Chart")
1017	I. Hong, D. Kirovski, Gang Qu, M. Potkonjak and M. B. Srivastava, <i>Power Optimization of Variable-Voltage Core-Based Systems</i> , in 18 IEEE TRANSACTIONS ON COMPUTER-AIDED DESIGN OF INTEGRATED CIRCUITS AND SYSTEMS, NO. 12, 1702-1714 (Dec. 1999) ("Hong")
1018	U.S. Patent No. 6,704,877 ("Cline")
1019	RUDOLF F. GRAF, MODERN DICTIONARY OF ELECTRONICS (7th ed. 1999) ("Graf")

Exhibit No.	Description
1020	<i>Advanced Configuration and Power Interface (ACPI)</i> , Revision 1.0 (December 22, 1996)
1021	Michael Peter Kennedy & Leon O. Chua, <i>Hysteresis in Electronic Circuits: A Circuit Theorist's Perspective</i> , in 19 INT. JOURNAL OF CIRCUIT THEORY AND APPLICATIONS, 471–515 (1991)
1022	John P. Hayes, <i>Computer Architecture and Organization</i> (3rd ed. 1998)
1023	Reserved
1024	Reserved
1025	Declaration of Rachel J. Watters in Support of Public Availability of <i>Hysteresis in Electronic Circuits: A Circuit Theorist's Perspective</i> , in 19 INT. JOURNAL OF CIRCUIT THEORY AND APPLICATIONS, 471–515 (1991) (Kennedy)
1026	U.S. Patent No. 6,397,343 (“Williams”)
1027-1032	Intentionally Left Blank
1033	Power of Attorney, U.S. Patent No. 8,471,593, filed in 2014
1034	Power of Attorney, U.S. Patent No. 7,928,763, filed in 2014
1035	Power of Attorney, U.S. Patent No. 9,552,047, filed in 2014
1036	Power of Attorney, U.S. Patent No. 9,037,807, filed in 2014
1037	Patent Assignment Agreement between PACT XPP Technologies AG & Scientia Sol Mentis AG, executed March 15, 2018
1038	Email chain between K. Bendix and A. Grunberger re acceptance of service, dated February 5-6, 2020
1039	Email chain between L. Tarpley and A. Grunberger re acknowledging receipt of electronic service, dated February 7 and 10, 2020
1040	Email chain between A. Grunberger and K. Bendix re service, dated February 10, 2020
1041	Power of Attorney, U.S. Patent No. 7,928,763 filed in 2020

Petitioner's Motion For *Pro Hac Vice* Admission

Exhibit No.	Description
1042	Affidavit of Raymundo Avila with Nationwide Legal re hand-service of Petitioner Intel Corporation's Petitions and Supporting Documents on PACT counsel on February 10, 2020 and Delivery Receipt
1043	Intel Corporation's Complaint for Declaratory Judgment, Dkt. No. 1, filed April 25, 2019
1044	Letter from S. Li to S. Lotfollahi re PACT's claim swapping and narrowing, dated December 13, 2019
1045	Intentionally Left Blank
1046	Screenshot from Public PAIR Correspondence Record, U.S. Patent No. 9,552,047, taken February 10, 2020
1047	Request for Certificate of Correction, U.S. Patent No. 9,075,605, filed December 5, 2018
1048	Declaration of Brandon H. Brown In Support of Motion to Appear <i>Pro Hac Vice</i> On Behalf of Petitioner Intel Corporation
1049	Declaration of Sarah Mikosz In Support of Motion to Appear <i>Pro Hac Vice</i> On Behalf of Petitioner Intel Corporation
1050	Declaration of Kyle A. Calhoun In Support of Motion to Appear <i>Pro Hac Vice</i> On Behalf of Petitioner Intel Corporation

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document, and accompanying exhibit, was served on November 13, 2020 through the Patent Review Processing System, as well as by e-mailing copies to:

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