

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HULU, LLC,  
Petitioner

v.

SITO MOBILE R&D IP, LLC and SITO MOBILE, LTD.,  
Patent Owner

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Case IPR2021-00308  
U.S. Patent No. 8,825,887

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**PETITIONER’S MOTION FOR *PRO HAC VICE* ADMISSION PURSUANT  
TO 37 C.F.R. §42.10(C)**

## **I. INTRODUCTION**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Hulu, LLC (“Petitioner” or “Hulu”) respectfully requests that the Board recognize Bradley M. Berg as counsel *pro hac vice* in this proceeding. Petitioner’s lead counsel in this proceeding is a registered practitioner and, as illustrated below, Mr. Berg is an experienced litigator with an established familiarity with this proceeding’s subject matter. Thus, there is good cause for the Board to recognize Mr. Berg *pro hac vice* in this proceeding.

## **II. TIME FOR FILING**

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition. *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013).

## **III. STATEMENT OF FACTS**

This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on December 17, 2020 (Paper No. 3). Petitioner’s lead and back-up counsel are registered practitioners.

Where lead counsel is a registered practitioner, the Board may permit a non-registered practitioner to appear *pro hac vice* “upon a showing that counsel is an experienced litigating attorney and has established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. §42.10(c); *Unified Patents*, Case

IPR2013-00639, Paper 7 (setting forth requirements for *pro hac vice* admission).

As set forth in his Declaration submitted herewith (Ex. 1079), Mr. Berg is an experienced litigator. He is a Counsel with O'Melveny & Myers LLP with six years of experience representing clients in patent and technology related litigation, including matters involving technology similar to that at issue in this proceeding.

Mr. Berg is familiar with the subject matter of this proceeding. He has reviewed and analyzed the patent at issue in this *inter partes* review, U.S. Patent No. 8,825,887 ("the '887 Patent") as well as the prior art at issue in this proceeding. Specifically, he has assisted Petitioner in its district court litigation, *SITO Mobile R&D IP, LLC and SITO Mobile, Ltd. v. Hulu, LLC*, Case No. 6:20-cv-00472 (W.D. Tex), which involves the same patent and technology at issue in this IPR.

Based on his work for Petitioner in litigations and proceedings involving similar technologies, involvement with the petition in this proceeding, and the other facts detailed in his declaration, Mr. Berg has significant familiarity with the subject matter in this proceeding. Petitioner wishes to apply Mr. Berg's knowledge of the patent and litigation experience by employing him as counsel in this proceeding. Because Mr. Berg is an experienced practitioner with an established familiarity with the subject matter of this proceeding, Petitioner

respectfully submits that there is good cause under 37 C.F.R. § 42.10(c) to recognize Mr. Berg as counsel *pro hac vice* during this proceeding.

**IV. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR**

This motion for *Pro Hac Vice* Admission is supported by the accompanying Declaration of Bradley M. Berg (Ex. 1079), as required by *Unified Patents*, Case IPR2013-00639, Paper 7.

July 20, 2021

Respectfully submitted,

/s/ Cameron W. Westin

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**PETITIONER’S UPDATED EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
1001	U.S. Patent No. 8,825,887
1002	File History for U.S. Patent No. 8,825,887
1003	Declaration of Henry H. Houh In Support of Hulu’s Petition
1004	Curriculum vitae of Henry H. Houh
1005	U.S. Patent No. 6,389,467 (“Eyal”)
1006	Reserved
1007	Reserved
1008	Reserved
1009	U.S. Patent No. 6,715,126 (“Chang”)
1010	Application No. 09,838,993 (“April 2001 Application”)
1011	Provisional Application No. 60/263,044 (“Provisional Application”)
1012	Application No. 10/051,406 (“2002 Application”)
1013	RealNetworks Form S-1 (Sept. 26, 1997)
1014	Portions of e-Video by H. Peter Alesso
1015	Synchronized Multimedia Integration Language (SMIL) 1.0 Specification (June 15, 1998)
1016	Archive.org Affidavit of Christopher Butler and RealNetworks Production Guide for RealSystem G2, from Netflix, Inc. v. Affinity Labs of Texas, LLC, IPR2016-01701 (EX. 1026 in the Netflix IPR)

1017	Microsoft, “All about ASX Files” from archive.org (available at <a href="https://web.archive.org/web/19990508200218/http://msdn.microsoft.com/workshop/imedia/windowsmedia/crcontent/asx.asp">https://web.archive.org/web/19990508200218/http://msdn.microsoft.com/workshop/imedia/windowsmedia/crcontent/asx.asp</a> )
1018	Microsoft, “Ad Insertion,” from archive.org (available at <a href="https://web.archive.org/web/19991013170746/http://msdn.microsoft.com/workshop/imedia/windowsmedia/ad.asp">https://web.archive.org/web/19991013170746/http://msdn.microsoft.com/workshop/imedia/windowsmedia/ad.asp</a> )
1019	Reserved
1020	Cisco Systems, “The Cisco Content Delivery Network Solution for the Enterprise”
1021	Akamai Form S-1 (Amendment No. 6, Oct. 28, 1999)
1022	The Tech, “MIT Students Reap Profit From Soaring Akamai IPO” (Nov. 2, 1999)
1023	Reserved
1024	Reserved
1025	Kien A. Hua et al., “2PSM: an efficient framework for searching video information in a limited-bandwidth environment,” <i>Multimedia Systems</i> 7: 396–408 (1999)
1026	Portions of Computer Networking by J. F. Kurose and K. W. Ross
1027	Order Governing Proceedings from SITO Mobile R&D IP, LLC v. Hulu, LLC, 6:20-CV-472-ADA (W.D. Tex., August 21, 2020)
1028	Declaration of Cameron W. Westin In Support of Hulu’s Petition
1029	Portions of an email chain between Stephanie R. Mandir and Amy K. Liang
1030	SITO Mobile R&D IP, LLC. and SITO Mobile, Ltd.’s Disclosure of Preliminary Infringement Contentions from SITO Mobile R&D IP v. Hulu, LLC, 6:20-CV-472-ADA, served on Sept. 11, 2020

1031	RFC 1945 - Hyper-Text Transfer Protocol v1.0 (1996)
1032	RFC 959 - File Transfer Protocol (FTP)(October 1985)
1033	U.S. Patent No. 5,774,670 (“Montulli”)
1034	RFC 1866 - Hypertext Markup Language - 2.0 (1995)
1035	RFC 1738 - Uniform Resource Locators (URL) (1994)
1036	Katherine Gallagher and Jeffrey Parsons, “A Framework for Targeting Banner Advertising On the Internet” (1997)
1037	PR Newswire Association, “The New York Times on the Web Creates New On-line Marketing Standard; Demographic Data From 1.7 Million Registrants Enables Precise Advertiser Targeting” (July 14, 1997)
1038	Herhold, S., “Web Effort Aims at Tailoring Pitches to the Right People,” The Philadelphia Inquirer (February 27, 1997)
1039	Reserved
1040	Reserved
1041	Reserved
1042	Reserved
1043	RFC 1580 - Guide to Network Resource Tools (March 1994)
1044	U.S. Patent No. 5,931,901 (“Wolfe”)
1045	U.S. Patent No. 6,385,592 (“Angles”)
1046	Reserved
1047	Reserved
1048	Email from C. Westin to Counsel for SITO dated December 10, 2020.

1049	Reserved
1050	Reserved
1051	U.S. Patent Pub. No. 2004/0083273A1 (“Madison”)
1052	Specification of U.S. Patent Provisional Application No. 60/263,058 (“Madison Provisional”)
1053	Reserved
1054	Philip Greenspun’s “Database Backed Web Sites: The Thinking Person’s Guide to Web Publishing”
1055	Database Management Systems, Third Edition
1056	Reserved
1057	Reserved
1058	Affidavit of Duncan Hall and Exhibit A (11-11-2020)
1059-1077	Reserved
1078	Fourteenth Supplemental Order Regarding Court Operations Under The Exigent Circumstances Created By The COVID-19 Pandemic
1079	Declaration of Bradley M. Berg In Support of Petitioner’s Motion for Pro Hac Vice Admission Pursuant to 37 C.F.R. §42.10(C)



**CERTIFICATE OF SERVICE**

The undersigned certifies pursuant to 37 C.F.R. § 42.6(e) and § 42.105 that on July 20, 2021, a true and correct copy of **PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION PURSUANT TO 37 C.F.R. §42.10(c)**, together with all exhibits filed therewith was served in its entirety by filing these documents through the PTAB E2E System, as well as by email, on the counsel of record for the Patent Owner.

July 20, 2021

Respectfully submitted,

By: /s/ Cameron W. Westin

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