

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADOBE INC.,
Petitioner

v.

EXPRESS MOBILE, INC.,
Patent Owner.

Case IPR2021-01228
Patent No. 9,063,755

PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION
***PRO HAC VICE* OF TRON FU**

Patent Owner's Unopposed Motion for Admission *Pro Hac Vice* of Tron Fu**I. STATEMENT OF PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner, Express Mobile, Inc. (“Express Mobile” or “Patent Owner”) hereby requests that the Patent Trial and Appeal Board (the “Board”) admit Tron Fu *pro hac vice* in this proceeding, IPR2021-01228.

II. GOVERNING LAW, RULES, AND PRECEDENT

In accordance with 37 C.F.R. § 42.10(c), 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 the Board may impose. Section 42.10(c) indicates 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.”

The Board has specified that a motion for *pro hac vice* admission shall be filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7 (“Representative Order”). The Representative Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding,”

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and “[b]e accompanied by an affidavit or declaration of the individual seeking to appear” which attests to certain facts concerning the counsel seeking admission *pro hac vice*. Accompanying this motion as Exhibit 2001 is the Declaration of Tron Fu in support of this Motion for Admission *Pro Hac Vice* (“Fu Decl.”).

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PROC HAC VICE* DURING PROCEEDING

The facts here establish good cause for the Board to recognize Tron Fu *pro hac vice* in this proceeding.

1. Lead counsel, James R. Nuttall, is a registered practitioner (Reg. No. 44,978).
2. Tron Fu is an associate at the law firm Steptoe & Johnson LLP. Fu Decl. ¶ 1 (Ex. 2001).
3. Mr. Fu is an experienced litigation attorney who has litigated cases related to patents for over nine years. *Id.* at ¶ 2.
4. Mr. Fu has never been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶ 5.
5. No application filed by Mr. Fu for admission to practice before any court or administrative body has ever been denied. *Id.* at ¶ 6.
6. No sanctions or contempt citations have been imposed against Mr. Fu by any court or administrative body. *Id.* at ¶ 7.

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7. Mr. Fu is a member of good standing of the Illinois Bar, District of Columbia, and the United States District Court for the Northern District of Illinois. *Id.* at ¶ 3.
8. Mr. Fu also demonstrates that he has a detailed working knowledge of the relevant subject matter through his familiarity with the patent-at-issue, the cited prior art, the Petition for *Inter Partes* Review of the '044 patent, and other aspects of the record in this proceeding. *Id.* at ¶ 9.
9. Mr. Fu has acquired substantial understanding of the underlying legal and technological issues in this proceeding. *Id.* at ¶ 9.
10. Mr. Fu has read and agrees to comply with the Patent Trial Practice Guide and the Board's Rules of Practice for Trials as set forth in 37 C.F.R. § 42. *Id.* at ¶ 10.
11. Mr. Fu understands that he 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). *Id.* at ¶ 11.
12. Counsel for Petitioner was contacted and does not oppose this motion.

IV. GOOD CAUSE EXISTS FOR *PRO HAC VICE* ADMISSION OF TRON FU

The facts outlined above, supported by the Declaration of Tron Fu (Ex. 2001), establish there is good cause to admit Mr. Fu *pro hac vice* in this proceeding under

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37 C.F.R. § 42.10. Patent Owner's lead counsel, James R. Nuttall, is a registered practitioner in good standing before the Board. Mr. Fu is an experienced litigating attorney in good standing in the Bars of Illinois, District of Columbia, and the United States District Court for the Northern District of Illinois. Mr. Fu has carefully reviewed the '044 patent-at-issue, the cited prior art, the Petition for *Inter Partes* Review of the '044 patent, and other aspects of the record in this proceeding. Based on his experience and knowledge, there is good cause to admit Mr. Fu *pro hac vice* in this proceeding.

V. CONCLUSION

In light of the foregoing, Patent Owner respectfully requests that the Board admit Tron Fu *pro hac vice* in this proceeding.

Date: August 6, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE* OF TRON FU, and Exhibit 2001, were served on August 6, 2021 by filing this document through the Patent Trial and Appeal Board End to End as well as by delivering a copy via the delivery method indicated to the attorneys of record for the Petitioner as follows:

Via Email:

Jennifer Sklenar (Reg. No. 40,205) – Jennifer.Sklenar@arnoldporter.com
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Date: August 6, 2021

By: / James R. Nuttall, Reg. No. 44,978/

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