
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP.,
Petitioner

v.

MEMORY INTEGRITY, LLC
Patent Owner

U.S. Patent No. 8,898,254

Inter Partes Review Case No. 2015-001812

**MEMORY INTEGRITY, LLC'S MOTION FOR *PRO HAC VICE*
ADMISSION OF MICHAEL D. SAUNDERS UNDER 37 CFR § 42.10(c)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner respectfully requests that the Board admit Michael D. Saunders *pro hac vice* in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) of C.F.R. 37 provides:

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 as issue in the proceeding.

In the Notice of Filing Date Accorded to Petition (“Notice”) mailed on September 18, 2015, the Board authorized the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). The Notice requires that such motions be filed in accordance with the “Order – Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper No. 7 (“Order”).

The Order states that the “time for filing *pro hac vice* motions is no sooner than twenty one (21) days after service of the petition...” The Order further states that motions for *pro hac vice* must “[c]ontain 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 C.F.R.;
- vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.01 *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.

III. TIME FOR FILING

As required by the Order, this motion for *pro hac vice* admission was filed no sooner than twenty-one (21) days after service of the petition.

IV. STATEMENT OF FACTS

Patent Owner submits that the following statement of facts, supported by the accompanying Declaration of Michael D. Saunders, shows that there is good cause for the Board to recognize Mr. Saunders *pro hac vice* in this proceedings:

1. Patent Owner's lead counsel, Jonathan Baker, is a registered practitioner (Reg. No. 45708);
2. Patent Owner's backup counsel, Gurtej Singh, is a registered practitioner (Reg. No. 71020);
3. Mr. Saunders is an experienced litigation attorney. He has been involved in numerous litigations involving patent infringement in District Courts across the country and has experience in *Markman* hearings.
4. U.S. Patent No. 8,898,254 is currently asserted against Petitioner in *Memory Integrity, LLC v. Intel Corp.*, Case No. 3:15-cv-00262-SI (D. Oregon). Mr. Saunders is a counsel of record in the District Court litigation and has acquired substantial understanding of the underlying legal and technical issues in this proceeding. He has reviewed prior art, developed infringement contentions, and responded to dispositive motions. Patent Owner has expended significant financial resources in the District Court litigation with Mr. Saunders as counsel, and Patent

Owner wishes to continue using Mr. Saunders as counsel in this proceeding.

V. NO OPPOSITION TO THIS MOTION

Patent Owner has conferred with Petitioners with regard to this Motion, and Petitioners have confirmed that they will not oppose it.

VI. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion for *Pro Hac Vice* Admission is accompanied by the Declaration of Michael D. Saunders, as required by the Order.

VII. CONCLUSION

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

Date: December 3, 2015

Respectfully submitted,

/Jonathan D. Baker/

Jonathan D. Baker

Reg. No. 45708

Farney Daniels PC

411 Borel Avenue, Suite 350

San Mateo, California 94402

Phone: 424-268-5210

E-mail: jbaker@farneydaniels.com

**DECLARATION OF MICHAEL D. SAUNDERS IN SUPPORT
OF MOTION FOR *PRO HAC VICE* ADMISSION**

I, Michael D. Saunders, do hereby declare as follows:

1. I am an attorney at the law firm of Farney Daniels PC, am over eighteen years of age, and would be competent to testify as to the matters set forth herein if called upon to do so.

2. I am a member in good standing of the State Bars of California and the District of Columbia, as well as of the following Federal Courts:

- a. U.S. Court of Appeals for the Federal Circuit;
- b. U.S. District Court for the District of Columbia;
- c. U.S. District Court for the Northern District of California;
- d. U.S. District Court for the Central District of California;
- e. U.S. District Court for the Eastern District of Wisconsin.

3. I have not been suspended or disbarred from practice before any court or administrative body.

4. I have never had an application for admission to practice before any court or administrative body denied.

5. No sanction or contempt citation has been imposed against me by any court or administrative body.

6. I have 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.

7. I 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).

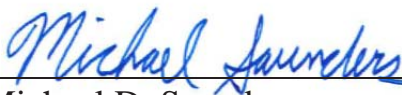
8. Contemporaneously with this Motion, I have applied to appear *pro hac vice* before this Office in IPR2015-01811, which involves the same U.S. Patent 8,898,254 as the instant matter.

9. I am a counsel of record *Memory Integrity, LLC v. Intel Corp.*, Case No. 3:15-cv-00262-SI (D. Oregon) where U.S. Patent No. 8,898,254 is currently asserted against Petitioner. I am also a counsel of record in the District Court litigation initiated by Patent Owner, and I have acquired substantial understanding of the underlying legal and technical issues in this proceeding. I have reviewed prior art, developed infringement contentions, and responded to dispositive motions. I therefore have an established familiarity with the subject matter at issue in this proceeding.

10. I am an experienced litigation attorney, with experience in numerous litigations involving patent infringement in District Courts across the country, including experience in *Markman* hearings.

I declare under penalty of perjury that the foregoing Declaration is true and correct.

DATED: December 3, 2015



Michael D. Saunders
Farney Daniels PC
411 Borel Avenue, Suite 350
San Mateo, California 94402
Phone: 424-268-5210

CERTIFICATE OF SERVICE

Under 37 C.F.R. §§ 42.6(e), this is to certify that I served a copy of the foregoing MOTION FOR *PRO HAC VICE* ADMISSION OF MICHAEL D. SAUNDERS UNDER 37 CFR § 42.10(c) along with the accompanying declaration via email on December 3, 2015 to Petitioner's counsel of record at the following email addresses:

Grant K. Rowan, Reg. No. 41,278
Christopher R. O'Brien, Reg. No. 63,208
Haixia Lin, Reg. No. 61,318
Michael J. Summersgill
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Phone: 202-663-6000
Fax: 202-663-6363
Email: Grant.Rowan@wilmerhale.com
Christopher.O'Brien@wilmerhale.com
Haixia.Lin@wilmerhale.com
Michael.Summersgill@wilmerhale.com

Dated: December 3, 2015

/Jonathan D. Baker/
Jonathan Baker
Reg. No. 45708