

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

B.E. TECHNOLOGY, L.L.C.
Patent Owner

Case IPR2014-00038
Patent 6,628,314

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

**B.E. Technology's Motion for *Pro Hac Vice* Admission of Jessica N. Leal
Pursuant to 37 C.F.R. § 42.10**

Mail Stop Patent Board
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Patent Owner respectfully requests the Board to recognize Jessica N. Leal as counsel *pro hac vice* during this proceeding.¹ Pursuant to 37 C.F.R. § 42.10 and in response to the authorization provided by the United States Patent and Trademark Office's Patent Trial and Appeal Board ("Board") in the Notice of Filing Date Accorded to Petition (Paper Number 3, entered October 11, 2013) ("Notice"), Patent Owner B.E. Technology, L.L.C. ("Patent Owner") submits this motion for Ms. Leal to appear *pro hac vice*.

I. *Time for Filing*

Pursuant to the "Order – Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639² ("Order"), this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

II. *Good Cause for Additional Back-Up Counsel*

Patent Owner respectfully requests admission of Ms. Leal as additional back-up counsel³ to promote attorney availability for the discovery period and trial.

¹ Corresponding motions for *Pro Hac Vice* admission are being concurrently filed in co-pending cases IPR2014-00029, IPR2014-00031, IPR2014-00033, IPR2014-00039, IPR2014-00040, IPR2014-00044, IPR2014-00052, IPR2014-00053, IPR2014-00698, and IPR2014-00699.

² Patent Owner notes that while the Notice references the "Order – Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00010 (MPT), the Order in Case IPR2013-00639 states that the Final Rule regarding Changes to Representation of Others Before the United States Patent and Trademark Office removes part 10 of title 37, C.F.R. referred to in the Order in Case IPR2013-00010 (MPT). Accordingly, for purpose of this proceeding, Patent Owner will refer to the Order in Case IPR2013-00639.

³ Patent Owner is concurrently filing corresponding motions for *Pro Hac Vice* admission for Daniel J. Weinberg as additional back-up counsel.

Patent Owner has a sufficient need for the admission of additional back-up counsel. The Board has instituted nine separate *inter partes* review (“IPR”) trials against two B.E. Technology, L.L.C. patents. Five more IPR petitions have been filed with motions for joinder, bringing the total to fourteen IPRs. Patent Owner has to conduct discovery, including deposing five experts, three of whom have offered opinions on both patents. In order to efficiently and effectively cover the ground necessary in these IPRs, Patent Owner seeks the *pro hac vice* admission of additional back-up counsel. This request is accompanied by the attached Power of Attorney.

III. *Statement of Facts*

Pursuant to the Order, the following statement of facts, supported by the attached Declaration of Ms. Leal, shows that there is good cause for the Board to recognize Ms. Leal *pro hac vice*.

Lead counsel for this proceeding, Jason S. Angell, is a registered practitioner (Reg. No. 51408).

Ms. Leal is an experienced litigation attorney, and has served as counsel in numerous complex litigations and patent infringement cases in various district courts. Ms. Leal has not been suspended or disbarred from practice, and she has not had any application for admission to practice denied, or had any sanctions or contempt citations imposed against her. Ms. Leal is an active member in good

standing of the California Bar and is admitted to practice before the Supreme Court of the United States, the United States Court of Federal Claims, the United States Court of Appeals for the Ninth Circuit, the U.S. District Court for the Northern District of California, the United States District Court for the Eastern District of California, and the U.S. District Court for the Central District of California. Her mailing address is Freitas Angell & Weinberg LLP, 350 Marine Parkway, Suite 200, Redwood Shores, California 94065, her email address is jleal@fawlaw.com, and her direct dial telephone number is (650) 730-5508.

Ms. Leal is a member of the trial team for Patent Owner in *B.E. Technology, L.L.C. v. Google Inc.*, No. 2:12-cv-02830, co-pending litigation in the United States District Court for the Western District of Tennessee. That litigation involves U.S. Patent No. 6,628,314 (“’314 Patent”), the patent at issue in this proceeding. In her role as counsel in the co-pending litigation, Ms. Leal is knowledgeable about the ’314 Patent, and assertions regarding the invalidity of the ’314 patent. Further, Ms. Leal is familiar with the factual and legal matters at issue in that case, including the claim construction issues likely to be presented in the co-pending litigation. Ms. Leal has thus established familiarity with the subject matter at issue in this proceeding.

Ms. Leal 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 the

C.F.R., and she agrees to 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). Ms. Leal has not applied *pro hac vice* in any other proceeding before the United States Patent and Trademark Office in the last three years, other than in co-pending *inter partes* review proceedings involving B.E. Technology patents.

Patent Owner has expended significant resources in the co-pending litigation with Ms. Leal as counsel, and Patent Owner wishes Ms. Leal to represent it in this proceeding.

IV. *Affidavit or Declaration of Individual Seeking to Appear*

This motion for *pro hac vice* admission is accompanied by a Declaration of Ms. Leal as required by the Order.

V. *Conclusion*

The facts contained in the Statement of Facts above, and contained in the Declaration of Ms. Leal, establish that there is good cause to admit Ms. Leal *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c).

Date: May 29, 2014

Respectfully submitted,

By: /s/ Jason S. Angell
Jason S. Angell
Reg. No. 51408
Counsel for Patent Owner

EXHIBIT A

DECLARATION OF JESSICA N. LEAL IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION

Pursuant to 37 C.F.R. § 1.68, I, Jessica N. Leal, hereby attest to the following:

1. My mailing address is Freitas Angell & Weinberg LLP, 350 Marine Parkway, Suite 200, Redwood Shores, California 94065, my email address is jleal@fawlaw.com, and my telephone number is (650) 730-5508.
2. I am a member in good standing of the California Bar (admitted in 2009), as well as the following federal courts:
 - a. Supreme Court of the U.S.;
 - b. U.S. Court of Federal Claims;
 - c. U.S. Court of Appeals for the Ninth Circuit;
 - d. U.S. District Court for the Northern District of California;
 - e. U.S. District Court for the Central District of California; and
 - f. U.S. District Court for the Eastern District of California.
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. I have never had sanctions or contempt citations imposed by any court

or administrative body against me;

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. I have not applied to appear *pro hac vice* before the United States Patent and Trademark Office in any other proceeding in the last three years; and

9. I graduated from law school in 2009 and I have been engaged full time in private law practice since December 2009. I am an experienced litigation attorney and have served as counsel in numerous complex litigations and patent infringement cases in various district courts.

10. I am a member of the trial team for counsel for Patent Owner in a co-pending litigation (*B.E. Technology, L.L.C. v. Google Inc.*, No. 2:12-cv-02830) in which U.S. Patent No. 6,628,314 is asserted against Petitioner. I have reviewed and am familiar with the patent and assertions regarding the invalidity of the patent. Accordingly, I am familiar with the subject matter at issue in the proceeding.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 28, 2014.



Handwritten signature of Jessica N. Leal in blue ink, written over a horizontal line.

Jessica N. Leal

EXHIBIT B

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
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v.

B.E. TECHNOLOGY, L.L.C.
Patent Owner

Case IPR2014-00038
Patent 6,628,314 B1

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE and LYNNE E.
PETTIGREW, *Administrative Patent Judges*

**POWER OF ATTORNEY
DESIGNATING ADDITIONAL BACK-UP COUNSEL**

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Pursuant to 37 C.F.R. § 42.10(b), Patent Owner, B.E. Technology, L.L.C., hereby appoints the following as its additional back-up counsel to transact all business in the United States Patent & Trademark Office associated with the above-captioned *inter partes* review:

Additional Back-Up Counsel

Jessica N. Leal (*pro hac vice* motion)

jleal@fawlaw.com

FREITAS ANGELL & WEINBERG LLP

350 Marine Parkway, Suite 200

Redwood Shores, CA 94065

Telephone: (650)593-6300

Facsimile: (650)593-6301

The individual signing below as the authority to execute this document on behalf of B.E. Technology, L.L.C.

Signature: Martin D. H. [Signature]
By: Martin D. H. [Signature]
Title: President / CEO
Date: 5-29-14

CERTIFICATE OF SERVICE

It is certified that copies of B.E. Technology's Motion for *Pro Hac Vice* Admission of Jessica N. Leal Pursuant to 37 C.F.R. § 42.10 and the Declaration of Jessica N. Leal In Support of Motion for *Pro Hac Vice* Admission have been served on Petitioner as provided in 37 C.F.R. § 42.6(e) via electronic mail transmission addressed to the persons at the address below:

Clinton H. Brannon
Brian A. Rosenthal
MAYER BROWN, LLP
cbrannon@mayerbrown.com
brosenthal@mayerbrown.com
WDC-Client-IPR-Filings@mayerbrown.com

Date: May 29, 2014

By: /s/ Jason S. Angell
Jason S. Angell
Reg. No. 51408
Counsel for Patent Owner