

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DK CROWN HOLDINGS INC.
Petitioner,

v.

DIOGENES LIMITED
Patent Owner

IPR2023-00268
U.S. Patent No. 11,200,779

**DECLARATION OF TIMOTHY GILBERT IN SUPPORT OF MOTION FOR *PRO HAC*
VICE ADMISSION**

I, Timothy Gilbert, declare as follows:

1. I am more than twenty-one years of age, am competent to present this declaration, and have personal knowledge of the facts set forth herein.

Background

2. I am duly licensed and in good standing to practice law in the Province of Ontario, Canada, where I was called to the bar in 1990.

3. I am currently an attorney at Gilbert's LLP in Toronto, Ontario, Canada. The full address of Gilbert's LLP is 125 Queens Quay East, 8th Floor, Toronto, Ontario, Canada, M5A 0Z6.

4. I have been practicing law in the field of intellectual property, and specifically patent litigation, since 1990. I have extensive experience litigating intellectual property cases in provincial Courts in Canada, the Federal Court of Canada, and the Patented Medicines Review Prices Review Board.

5. As described in further detail below, while I am not admitted to the bar of any U.S. State, I have practiced before various Federal District Courts in the United States. I have been admitted *pro hac vice* in six U.S. District Courts in nine intellectual property cases over the last 20 years.

6. I currently teach the *Intensive Advocacy Program* at Osgoode Hall Law School in Toronto, and previously taught courses at OCAD University (*IP & Creativity*) from 2015 to 2018 and the University of Toronto (*Trial Advocacy*) from 1997 to 2015.

7. I have been summoned to testify before the Canadian Parliamentary Standing Committee on Technology regarding a pending national security bill, specifically to comment upon implications for domestic innovation and intellectual property.

The Co-Pending Delaware Proceedings and Knowledge of the Subject Matter of this Case

8. I am counsel to the plaintiffs, Diogenes Limited and Colossus (IOM) Limited, in co-pending District Court litigation between the parties to this proceeding in *Diogenes Limited, Colossus (IOM) Limited v. DraftKings Inc.*, Case No. 21-1695-MN-CJB (District of Delaware) (the “**Delaware Proceedings**”).

9. I have been admitted *pro hac vice* in the Delaware Proceedings. See Appendix A.

10. The Delaware Proceedings concern various patent infringement and validity claims. US Patent 11,200,779—the patent at issue in this *Inter Partes* Review—is alleged to be infringed and the subject of the counterclaim asserting invalidity on various bases, including 35 U.S.C. §102 and §103.

11. DraftKings Inc. is represented by the same counsel in the Delaware Proceedings as in this *inter partes* review.

12. I have particular familiarity with the patents asserted in the Delaware Proceedings (including the ‘779 Patent, at issue in this proceeding) and, more generally, the underlying technology that is at issue both in this proceeding and the Delaware Proceedings. I am also familiar with the procedural history of the Delaware Proceedings and the legal affairs of Diogenes Limited.

13. I am also familiar with federal intellectual property law in the United States, including novelty and non-obviousness under 35 U.S.C. § 102 and § 103.

Other District Court Admissions

14. I have previously been admitted *pro hac vice* in the following proceedings before various US District Courts:

a. **United States District Court for the Eastern District of Texas** in the following patent infringement proceedings:

- *DataTreasury Corporation v. Wells Fargo, et al.*, Case No. 2:06-CV-72; and
- *Bullet Proof Technology of Texas LLC v. Renthal Ltd., et al.*, 2:09-CV-00316.

See Appendices B and C.

b. **United States District Court for the Eastern District of Pennsylvania** in the following patent infringement proceedings:

- *Smithkline Beecham v. Apotex Corporation, et al.*, Case No. 2:99-CV-04304; and
- *Smithkline Beecham v. Apotex Corporation, et al.*, Case No. 2:00-CV-04888.

See Appendices D and E.

c. **United States District Court for the Western District of Kentucky** in the following gaming-related trade secret misappropriation proceedings:

- *Parimax Holdings, LLC v. Ky Downs, LLC, and Exacta Systems, LLC*, Case No. 1:15-CV-82-GNS; and

- *AmTote Int'l, Inc. v. Ky. Downs, LLC, and Exakta Systems, LLC*, Case No. 1:15-CV-00047-GNS.

See Appendices F and G.

- d. **United States District Court for the District of Wyoming** in gaming-related trade secret misappropriation proceedings in *Parimax Holdings, LLC v Exakta Systems, LLC f/k/a Encore Gaming, LLC*, Case No. 16-CV-00259-ABJ. While the *pro hac vice* motion was initially denied on the basis that I was not a member of the Bar of any U.S. State, I was granted admission *pro hac vice* on a motion for reconsideration in which I tendered evidence of my *pro hac vice* admission before various U.S. District Courts. See Appendices H and I.
- e. **United States District Court for the Northern District of West Virginia** in Hatch-Waxman related proceedings in *Mylan Pharmaceutical v. Food and Drug Administration., et al*, Case No. 1:04-cv-00174-IMK. See Appendix J.

Miscellaneous

15. I am not, and never have been, suspended or disbarred from any court, nor has any adverse disciplinary decision been rendered against me by any provincial or state bar, bar association, or Court.

16. My applications for admission *pro hac vice* have never been ultimately denied by any court or administrative body. As set out in paragraph 14(d) above, I was once denied initially but granted admission *pro hac vice* on the motion for reconsideration.

17. No sanctions or contempt citations have been imposed against me by any court or administrative body.

18. 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.

19. I agree to be subject to the USPTO Rules of Professional Conduct as set forth in 37 C.F.R §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. §11.19(a).

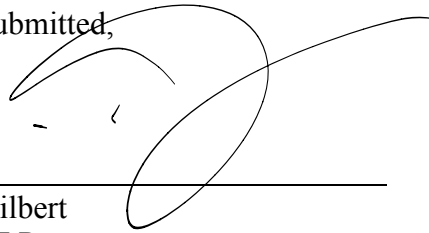
20. I am familiar with federal intellectual property law in the United States, including the *Patent Act*, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the customs of federal practice in the United States.

21. I have an established familiarity with the subject matter in this *Inter Partes* Review and have reviewed the materials filed by the parties, including the briefing, expert testimony, '779 Patent, and asserted prior art. I am also familiar with the issues and filings in the related Delaware proceedings, where the '779 Patent is the subject of both the claim and counterclaim.

22. I have not applied for *pro hac vice* admission before the Office in any other proceedings in the last three years.

23. I declare under penalty of perjury that the foregoing is true and correct within the meaning of 28 U.S.C. § 1746.

Respectfully submitted,

By: 
Timothy Gilbert
Gilbert's LLP
125 Queens Quay East, 8th Floor
Toronto, Ontario, M5A 0Z6, Canada.
P: 416-703-1100
tim@gilbertslaw.ca
Admission Pending

May 31, 2024

Appendix A

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:21-cv-01695-JLH-CJB**

Diogenes Limited et al. v. DraftKings Inc.
Assigned to: Judge Jennifer L. Hall
Referred to: Judge Christopher J. Burke
Cause: 35:271 Patent Infringement

Date Filed: 12/01/2021
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Diogenes Limited

represented by **Brian A. Biggs**
DLA Piper LLP
1201 N. Market Street, Suite 2100
Wilmington, DE 19801
302-468-5661
Email: brian.biggs@dlapiper.com
TERMINATED: 11/15/2023
LEAD ATTORNEY

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Email: andrew@brusterpllc.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Anthony K. Bruster
Email: akbruster@brusterpllc.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

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Michael L. Burns
Email: Michael.burns@us.dlapiper.com
TERMINATED: 11/15/2023
PRO HAC VICE

Paul A. Taufer
Email: Paul.taufer@us.dlapiper.com
TERMINATED: 05/16/2022

08/14/2023		CORRECTING ENTRY: Text of Docket entry made at D.I. 140 has been edited at the request of the filer. (dlb) (Entered: 08/14/2023)
08/16/2023	<u>143</u>	[SEALED] Amended ANSWER to <u>1</u> Complaint,, with Jury Demand , COUNTERCLAIM against Colossus (IOM) Limited, Diogenes Limited by DraftKings Inc.. (Attachments: # <u>1</u> Exhibits A–HH)(Cucuzzella, Lucinda) (Entered: 08/16/2023)
08/17/2023	<u>144</u>	NOTICE OF SERVICE of Plaintiffs Second Set of Interrogatories to Defendant (Nos. 11–18) filed by Colossus (IOM) Limited, Diogenes Limited.(O'Byrne, Stephanie) (Entered: 08/17/2023)
08/18/2023	<u>145</u>	MOTION for Pro Hac Vice Appearance of Attorney Timothy H. Gilbert, Paul Banwatt and Zarya Cynader – filed by Colossus (IOM) Limited, Diogenes Limited. Motions referred to Christopher J. Burke.(Biggs, Brian) (Entered: 08/18/2023)
08/18/2023	<u>146</u>	MOTION for Pro Hac Vice Appearance of Attorney Andrew D. Wilson, Eileen F. Hyde, Christopher J. Hong and Chelsea X. Zhang of BAKER BOTTS L.L.P. – filed by DraftKings Inc.. Motions referred to Christopher J. Burke.(Cucuzzella, Lucinda) (Entered: 08/18/2023)
08/22/2023	<u>147</u>	NOTICE OF SERVICE of Plaintiffs Third Supplemental Responses and Objections to Defendants First Set of Interrogatories (Nos. 1–14) filed by Colossus (IOM) Limited, Diogenes Limited.(O'Byrne, Stephanie) (Entered: 08/22/2023)
08/23/2023	<u>148</u>	STIPULATION TO EXTEND TIME to file proposed redactions to DraftKings Second Amended Answer and Exhibits to August 30, 2023 – filed by Colossus (IOM) Limited, Diogenes Limited. (Biggs, Brian) (Entered: 08/23/2023)
08/23/2023		SO ORDERED D.I. <u>148</u> STIPULATION TO EXTEND TIME to file proposed redactions to DraftKings Second Amended Answer and Exhibits to August 30, 2023 filed by Colossus (IOM) Limited, Diogenes Limited. Ordered by Judge Christopher J. Burke on 8/23/2023. (dlb) (Entered: 08/23/2023)
08/23/2023	<u>149</u>	NOTICE OF SERVICE of Plaintiffs Fourth Supplemental Responses and Objections to Defendants First Set of Interrogatories (Nos. 1–14) filed by Colossus (IOM) Limited, Diogenes Limited.(O'Byrne, Stephanie) (Entered: 08/23/2023)
08/25/2023	<u>150</u>	ANSWERING BRIEF in Opposition re <u>135</u> MOTION to Stay <i>Pending Inter Partes</i> Review filed by Colossus (IOM) Limited, Diogenes Limited.Reply Brief due date per Local Rules is 9/1/2023. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13)(Biggs, Brian) (Entered: 08/25/2023)
08/30/2023		SO ORDERED D.I. <u>145</u> MOTION for Pro Hac Vice Appearance of Attorney Timothy H. Gilbert, Paul Banwatt and Zarya Cynader filed by Colossus (IOM) Limited, Diogenes Limited, and D.I. <u>146</u> MOTION for Pro Hac Vice Appearance of Attorney Andrew D. Wilson, Eileen F. Hyde, Christopher J. Hong and Chelsea X. Zhang of BAKER BOTTS L.L.P. filed by DraftKings Inc. Ordered by Judge Christopher J. Burke on 8/30/2023. (dlb) (Entered: 08/30/2023)
08/30/2023	<u>151</u>	REDACTED VERSION of <u>143</u> Answer to Complaint, Counterclaim by DraftKings Inc.. (Attachments: # <u>1</u> Exhibits A–HH)(Cucuzzella, Lucinda) (Entered: 08/30/2023)
08/30/2023	<u>152</u>	STIPULATION TO EXTEND TIME for Defendant DraftKings, Inc. to file its reply brief in support of its Motion to Stay Pending Inter Partes Review (D.I. 135) to September 8, 2023 – filed by DraftKings Inc.. (Cucuzzella, Lucinda) (Entered: 08/30/2023)
08/31/2023		SO ORDERED D.I. <u>152</u> STIPULATION TO EXTEND TIME for Defendant DraftKings, Inc. to file its reply brief in support of its Motion to Stay Pending Inter Partes Review (D.I. 135) to September 8, 2023 filed by DraftKings Inc. Ordered by Judge Christopher J. Burke on 8/31/2023. (dlb) (Entered: 08/31/2023)
09/06/2023	<u>153</u>	STIPULATION and [Proposed] Order to Stay Pending Inter Partes Review by DraftKings Inc.. (Cucuzzella, Lucinda) (Entered: 09/06/2023)
09/06/2023	<u>154</u>	STIPULATION TO EXTEND TIME Plaintiffs Diogenes Limited and Colossus (IOM) Limited to Respond to DraftKing's Second Amended Answer & DraftKings to file its

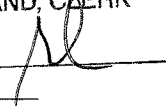
Appendix B

Appendix K

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
Marshall DIVISION
APPLICATION TO APPEAR PRO HAC VICE

Revised: 1/24/07
FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 24 2007

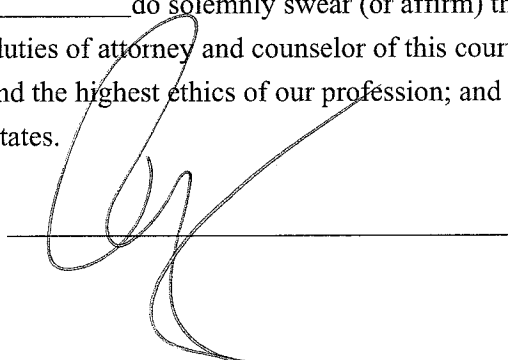
DAVID J. MALAND, CLERK
BY DEPUTY 

1. This application is being made for the following: Case # 2:06 CV 72
Style: Data Treasury Corporation vs. Wells Fargo, et al.
2. Applicant is representing the following party/ies: Data Treasury Corporation
3. Applicant was admitted to practice in Ontario (state) on 1990 (date).
4. Applicant is in good standing and is otherwise eligible to practice law before this court.
5. Applicant is not currently suspended or disbarred in any other court.
6. Applicant has ☒ has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.
7. Applicant has ☒ has not ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.
8. Applicant has ☒ has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle). If so, give complete information on a separate page.
9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses.
10. There are no pending grievances or criminal matters pending against the applicant.
11. Applicant has been admitted to practice in the following courts:
ONTARIO, CANADA
12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."
13. Applicant has included the requisite \$25 fee (see Local Rule AT-1(d)).
14. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only.

Application Oath:

I, Timothy H. Gilbert do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date Oct. 17/07

Signature 

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APPLICATION TO APPEAR PRO HAC VICE (Continued)

Law Society of
Upper Canada

Name (please print) Timothy H. Gilbert
~~State Bar~~ Number 3006054
Firm Name: Gilbert's LLP
Address/P.O. Box: 49 Wellington St. E.
City/State/Zip: Toronto, Ontario M5E 1C9
Telephone #: 416-703-1100
Fax #: 416-703-7422
E-mail Address: tim@gilbertslaw.ca
Secondary E-Mail Address: _____

Applicant is authorized to enter an appearance as counsel for the party/parties listed above. This application has been approved for the court on: October 24, 2007

David J. Maland, Clerk
U.S. District Court, Eastern District of Texas

By 
Deputy Clerk

Appendix C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
Marshall DIVISION
APPLICATION TO APPEAR PRO HAC VICE

FILED-11-15-11
U.S. DISTRICT COURT

2011 NOV 15 AM 11:13

IN EASTERN DISTRICT OF TEXAS

1. This application is being made for the following: Case # 2:09-cv-00316
Style: Bullet Proof Technology of Texas LLC v. Renthal Ltd; Renthal America Inc., et al.
2. Applicant is representing the following party/ies: Bullet Proof Technology of Texas LLC
3. Applicant was admitted to practice in Ontario (~~state~~) on 1990 (date).
4. Applicant is in good standing and is otherwise eligible to practice law before this court.
5. Applicant is not currently suspended or disbarred in any other court.
6. Applicant has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.
7. Applicant has not ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.
8. Applicant has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle). If so, give complete information on a separate page.
9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses. N/A
10. There are no pending grievances or criminal matters pending against the applicant.
11. Applicant has been admitted to practice in the following courts:
Courts of Ontario, Federal Courts of Canada, Supreme Court of Canada
12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."
13. Applicant has included the requisite \$100 fee (see Local Rule AT-1(d)).
14. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only.

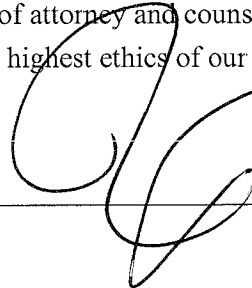
Application Oath:

I, Tim Gilbert do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date

November 10, 2011

Signature



UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

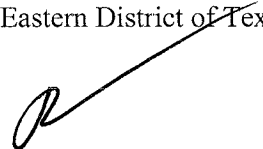
APPLICATION TO APPEAR PRO HAC VICE (Continued)

Name (please print) Timothy H. Gilbert
State Bar Number Law Society of Upper Canada - 30665U
Firm Name: Gilbert's LLP
Address/P.O. Box: 77 King Street West, Ste 2010, PO Box 301
City/State/Zip: Toronto, Ontario M5K 1K2
Telephone #: 416-703-1100
Fax #: 416-703-7422
E-mail Address: tim@gilbertslaw.ca
Secondary E-Mail Address: _____

Applicant is authorized to enter an appearance as counsel for the party/parties listed above. This

application has been approved for the court on: 11-15-11

David J. Maland, Clerk
U.S. District Court, Eastern District of Texas

By  _____
Deputy Clerk

Court Name: District Court
Division: 2
Receipt Number: TXE280009015
Cashier ID: pa
Transaction Date: 11/16/2011
Payer Name: DAVIS FIRM

PRO HOC VICE
For: DAVIS FIRM
Case/Party: D-TXE-6-11-AA-999999-001
Amount: \$200.00

CHECK
Check/Money Order Num: 1880
Amt Tendered: \$200.00

Total Due: \$200.00
Total Tendered: \$200.00
Change Amt: \$0.00

ORIGINAL MUST BE RETAINED FOR
RETURN OF CRIMINAL BOND

Appendix D

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:99-cv-04304-MMB**

SMITHKLINE BEECHAM v. APOTEX CORPORATION, et al
Assigned to: HONORABLE MICHAEL M. BAYLSON
Demand: \$0
Case in other court: USDC EDPA, 99-02926
Cause: 35:271 Patent Infringement

Date Filed: 08/26/1999
Date Terminated: 05/13/2010
Jury Demand: Both
Nature of Suit: 830 Property Rights: Patent
Jurisdiction: Federal Question

Plaintiff

**SMITHKLINE BEECHAM
CORPORATION**

represented by **AKSHAY S. DEORAS**
KIRKLAND ELLIS LLP
601 LEXINGTON AVE
NEW YORK, NY 10022
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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800-521-8064
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TERMINATED: 06/18/2009
LEAD ATTORNEY

AMEET A. MODI
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TERMINATED: 06/18/2009
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NEW YORK, NY 10022
212-446-4800
TERMINATED: 06/18/2009
LEAD ATTORNEY

12/18/2000	35	Reply Memorandum by DEFENDANT TORPHARM, INC. in support of MOTION TO CONSOLIDATE CASES 99-4304 AND 00-4888 and response to the motion to supplement SMITHKLINE'S motion to consolidate 99-2926, 99-4304, AND 00-1393 to include 00-4888 AND 00-5953, Certificate of service Certificate of Service. (ph) (Entered: 12/19/2000)
12/18/2000	36	Reply Memorandum by DEFENDANT TORPHARM, INC. in support of its motion to consolidate cases 99-4304 AND 00-4888, Certificate of Service. (gn) (Entered: 12/19/2000)
12/18/2000		Response by DEFENDANT TORPHARM, INC. to the motion to supplement SMITHKLINE BEECHAM CORPORATION'S motion to consolidate civil action NOS. 99-2926, 99-4304, and 00-1393 to include civil action NOS. 00-4888 AND 00-5953, Certificate of Service. (See Paper #36) (gn) (Entered: 12/19/2000)
02/21/2001	37	Appearance of ROBERT S. SILVER for DEFENDANT TORPHARM, INC., DEFENDANT APOTEX, INC., DEFENDANT APOTEX CORPORATION. (rp) (Entered: 02/21/2001)
02/21/2001	38	Appearance of ALAN H. BERNSTEIN for DEFENDANT TORPHARM, INC., DEFENDANT APOTEX, INC., DEFENDANT APOTEX CORPORATION. (rp) (Entered: 02/21/2001)
02/21/2001	39	MOTION BY DEFENDANT TORPHARM, INC., DEFENDANT APOTEX, INC., DEFENDANT APOTEX CORPORATION FOR ADMISSION OF TIMOTHY H. GILBERT, ESQ. PRO HAC VICE , MEMORANDUM, CERTIFICATE OF SERVICE. (rp) (Entered: 02/21/2001)
03/02/2001	40	MOTION BY DEFENDANT TORPHARM, INC. FOR LEAVE TO FILE A COUNTERCLAIM , CERTIFICATE OF SERVICE. (rp) (Entered: 03/02/2001)
03/02/2001	41	Memorandum of Law by DEFENDANT TORPHARM, INC. in support of MOTION FOR LEAVE TO FILE A COUNTERCLAIM and Exhibit A. (FILED UNDER SEAL). (rp) (Entered: 03/02/2001)
03/02/2001	42	MOTION by DEFENDANT TORPHARM, INC. TO CONSOLIDATE CASES 99-4304, 00-4888 AND 01-159 , MEMORANDUM, CERTIFICATE OF SERVICE. (gn) (Entered: 03/05/2001)
03/15/2001	43	STIPULATION AND ORDER THAT PF.S' TIME FOR RESPONDING TO DEFTS.' MOTION FOR LEAVE TO FILE A COUNTERCLAIM, SHALL BE EXTENDED BY 30 DAYS, THROUGH AND INCLUDING 4/16/01 . (SIGNED BY JUDGE R. B. SURRICK), 3/16/01 ENTERED AND COPIES MAILED AND FAXED BY CHAMBERS ON 3/15/01. (rp) (Entered: 03/16/2001)
03/15/2001	44	STIPULATION AND ORDER THAT PF.S' TIME FOR RESPONDING TO DEFTS.' MOTION TO CONSOLIDATE CIVIL ACTION NUMBERS 99-4304, 00-4888 and 01-159, SHALL BE EXTENDED BY 30 DAYS, THROUGH AND INCLUDING 4/16/01 . (SIGNED BY JUDGE R. B. SURRICK), 3/16/01 ENTERED AND COPIES MAILED AND FAXED BY CHAMBERS ON 3/15/01. (rp) (Entered: 03/16/2001)
03/16/2001	45	ORDER THAT THE MOTION FOR ADMISSION OF TIMOTHY H. GILBERT, ESQ. PRO HAC VICE IS GRANTED AND TIMOTHY H. GILBERT IS ADMITTED PRO HAC VICE IN THIS MATTER (Attorney: TIMOTHY H. GILBERT). (SIGNED BY JUDGE R. B. SURRICK), 3/16/01 ENTERED AND COPIES MAILED AND FAXED BY CHAMBERS ON 3/15/01. (rp) (Entered: 03/16/2001)
04/16/2001		Response by PLAINTIFF SMITHKLINE BEECHAM to DEFENDANT'S MOTION TO CONSOLIDATE CASES 99-4304, 00-4888 AND MOTION TO SUPPLEMENT SMITHKLINE BEECHAM CORPORATION'S MOTION TO CONSOLIDATE CIVIL ACTION NOS. 99-2926, 99-4304, AND 00-1393 TO INCLUDE CIVIL ACTION NOS. 00-4888 AND 00-5953, 00-6464, AND 01-0159, Certificate of Service. (See Paper #36 in C.A. 99-2926) (np) (Entered: 04/17/2001)
04/19/2001	46	Reply by DEFENDANT TORPHARM, INC. in support of MOTION TO CONSOLIDATE CASES 99-4304, 00-4888 AND 01-159 and RESPONSE TO MOTION TO SUPPLEMENT SMITHKLINE BEECHAM CORPORATION'S

Appendix E

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:00-cv-04888-MMB**

SMITHKLINE BEECHAM C v. APOTEX CORPORATION, et al
Assigned to: HONORABLE MICHAEL M. BAYLSON
Demand: \$0
Case in other court: EDPA, related to 00-01393
Cause: 35:271 Patent Infringement

Date Filed: 09/27/2000
Date Terminated: 05/13/2010
Jury Demand: Both
Nature of Suit: 830 Property Rights: Patent
Jurisdiction: Federal Question

Plaintiff

**SMITHKLINE BEECHAM
CORPORATION**

represented by **ALAN KELLMAN**
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JAMIE B. BISCHOFF
BALLARD, SPAHR, ANDREWS AND
INGERSOLL

12/11/2000	12	Reply Memorandum by DEFENDANT TORPHARM, INC. in support of motion to dismiss Smithkline's second count for declaratory judgment. (UNDER SEAL) (gn) (Entered: 12/12/2000)
12/11/2000		Response by PLAINTIFF SMITHKLINE BEECHAM CORP. to motion to consolidate civil action 99-4304 and 00-4888 and motion to supplement Smithkline Beecham Corp.'s motion to consolidate 99-2926 and 99-4304 and 00-1393 to include 00-4888 and 00-5953, Certificate of Service. (99-4304) (gn) (Entered: 12/12/2000)
12/11/2000		MOTION by DEFENDANT TORPHARM, INC. TO SUPPLEMENT SMITHKLINE BEECHAM CORP.'S MOTION CONSOLIDATE 99-2926, 99-4304 AND 00-1393 TO INCLUDE 00-4888 AND 00-5953 . (SEE PAPER #33) (99-4304) (gn) (Entered: 12/12/2000)
12/18/2000		Reply Memorandum by DEFENDANT TORPHARM, INC. in support of MOTION TO CONSOLIDATE CASES 99-4304 AND 00-4888 and response to the motion to supplement SMITHKLINE'S motion to consolidate 99-2926, 99-4304, AND 00-1393 to include 00-4888 and 00-5953, Certificate of service (99-4304 - #35) Certificate of Service. (ph) (Entered: 12/19/2000)
12/18/2000		Reply Memorandum by DEFENDANT TORPHARM, INC. in support of its motion to consolidate cases 99-4304 and 00-4888, Certificate of Service. (99-4304 See Paper #36) (gn) (Entered: 12/19/2000)
12/18/2000		Response by DEFENDANT TORPHARM, INC. to the motion supplement SMITHKLINE BEECHAM CORP.'S motion to consolidate 99-2926, 99-4304 and 00-1393 to include 00-4888 and 00-5953, Certificate of Service. (99-4304 - See Paper #36) (gn) (Entered: 12/19/2000)
02/21/2001	13	Appearance of ROBERT S. SILVER, ALAN H. BERNSTEIN for DEFENDANT APOTEX CORPORATION, DEFENDANT APOTEX, INC., DEFENDANT TORPHARM, INC. (gn) (Entered: 02/21/2001)
02/21/2001	14	MOTION by DEFENDANT APOTEX CORPORATION, DEFENDANT APOTEX, INC., DEFENDANT TORPHARM, INC. FOR TIMOTHY H. GILBERT TO APPEAR PRO HAC VICE , MEMORANDUM, CERTIFICATE OF SERVICE. (gn) (Entered: 02/21/2001)
03/02/2001	15	Answer and Affirmative Defenses to Complaint by DEFENDANT APOTEX CORPORATION, DEFENDANT APOTEX, INC., DEFENDANT TORPHARM, INC. and counterclaim. (UNDER SEAL) (gn) (Entered: 03/05/2001)
03/15/2001	16	STIPULATION AND ORDER THAT PLAINTIFF'S TIME FOR RESPONDING TO DEFENDANTS' MOTION TO CONSOLIDATE CASES 99-4304, 00-4888 AND 01-159 SHALL BE EXTENDED BY 30 DAYS, THROUGH AND INCLUDING MONDAY, 4/16/01. (SIGNED BY JUDGE R. B. SURRICK) 3/16/01 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 03/16/2001)
03/15/2001	17	STIPULATION AND ORDER THAT PLAINTIFF'S TIME FOR RESPONDING TO DEFENDANTS' ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIM, WHETHER BY ANSWER OR MOTION, SHALL BE EXTENDED BY 30 DAYS, THROUGH AND INCLUDING MONDAY, 4/23/01. (SIGNED BY JUDGE R. B. SURRICK) 3/16/01 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 03/16/2001)
03/22/2001	18	ORDER GRANTING DEFTS' MOTION FOR TIMOTHY H. GILBERT TO APPEAR PRO HAC VICE. (SIGNED BY JUDGE R. B. SURRICK) 3/23/01 ENTERED AND COPIES MAILED AND FAXED. (gn) (Entered: 03/23/2001)
04/16/2001		Response by PLAINTIFF SMITHKLINE BEECHAM to DEFENDANT'S MOTION TO CONSOLIDATE CASES 99-4304, 00-4888 AND 01-159, AND MOTION TO SUPPLEMENT SMITHKLINE BEECHAM CORP.'S MOTION CONSOLIDATE 99-2926, 99-4304 AND 00-1393 TO INCLUDE 00-4888 00-5953, 00-6464 AND 01-0159, Certificate of Service. (See Paper #36 in C.A. 99-2926) (np) (Entered: 04/17/2001)
04/19/2001		Reply by DEFENDANT TORPHARM, INC. in support of its motion to consoiidate action 99-4304, 00-4888 and 01-159, Certificate of Service. (99-4304) (gn)

Appendix F

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION

PARIMAX HOLDINGS, LLC

Plaintiff

v.

KENTUCKY DOWNS, LLC AND
ENCORE GAMING, LLC

Defendants

Case No. 1:15-CV-00082-GNS

Hon. Judge Greg Stivers

ORDER FOR ADMISSION PRO HAC VICE OF TIMOTHY H. GILBERT

Upon consideration of the Motion of Reva D. Campbell, counsel for Plaintiff Parimax Holdings, LLC, and the Court being sufficiently advised,

IT IS HEREBY ORDERED that Timothy H. Gilbert should be, and hereby is, granted permission to appear and participate *pro hac vice* as co-counsel of record in this action for Plaintiff. As Mr. Gilbert is not a member of the Bar of any state of the United States, United States territory or the District of Columbia, Plaintiff shall at all times throughout the pendencies of this action be represented by at least one attorney who is admitted to practice before this Court and is a member of a Bar of a state or territory of the United States or the District of Columbia.


H. Brent Brennenstuhl
United States Magistrate Judge

August 17, 2016

Appendix G

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION

AMTOTE INTERNATIONAL INC.,)

Plaintiff)

v.)

Case No. 1:15-CV-47-GNS

KENTUCKY DOWNS, LLC, COREY S.)
JOHNSEN, NICHOLAS HUGHES,)
RAYFORD T. REID, and ENCORE)
GAMING, LLC,)

Defendants)

Hon. Judge Greg Stivers

ORDER FOR ADMISSION *PRO HAC VICE* OF TIMOTHY H. GILBERT

Upon consideration of the Motion of Reva D. Campbell, counsel for Plaintiff AmTote International Inc., and the Court being sufficiently advised,

IT IS HEREBY ORDERED that Timothy H. Gilbert should be, and hereby is, granted permission to appear and participate *pro hac vice* as co-counsel of record in this action for Plaintiff.


H. Brent Brennenstuhl
United States Magistrate Judge

April 13, 2015

TENDERED BY:

/s/ Reva D. Campbell

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AMTOTE INTERNATIONAL INC.

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Appendix H

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Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

PARIMAX HOLDINGS, LLC,	)	
	)	
Plaintiff,	)	Case No. 16-CV-259-J
	)	
v.	)	
	)	
EXACTA SYSTEMS, LLC, f/k/a	)	
ENCORE GAMING, LLC,	)	
	)	
Defendant.	)	

**MOTION FOR RECONSIDERATION OF *PRO HAC VICE* ADMISSION OF
TIMOTHY GILBERT**

I, Ryan L. Ford, Wyo. State Bar # 7-4667, hereby petition the Court, under U.S.D.C.L.R. 84.2, for a reconsideration of the order (the “Prior Order”) [Doc #17] denying motion for the admission of Timothy Gilbert for the limited purpose of representing Plaintiff in the above-captioned matter for the reasons articulated herein.

I am a member of the Wyoming State Bar, in good standing, admitted to practice before the Court.

I hereby agree to serve as designated local counsel for the above-captioned matter.

I vouch, to the best of my knowledge and belief, for the good moral character and veracity of the applicant, whose contact information is as follows:

Timothy Gilbert
tim@gilbertslaw.ca
GILBERT’S LLP
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Toronto ON M5K 1K2
Phone: 416-703-1100
Fax: 416-703-7422

Mr. Gilbert’s *Affidavit*, as required by U.S.D.C.L.R. 84.2, is attached hereto and incorporated herein by reference. **Exhibit 1** (“Gilbert Affidavit”).

In the Prior Order, this Court denied the *pro hac vice* admission of Mr. Gilbert on the basis of non-compliance with rule 84.2(b) of the United States District Court of Wyoming Local Rules, finding that “while counsel seeking admission *pro hac vice* in to the United States District Court for the District of Wyoming is a member of the Ontario, Canada Bar Association, he is not a member in good standing of the Bar in any state in the United States of America.”

Reconsideration of the Prior Order is respectfully sought because it is within the District Court's inherent power and sound discretion to grant admission to practice *pro hac vice* to foreign attorneys in the proper circumstances. Other District Courts, including a sister Court in the Tenth Circuit, confronted with motions seeking admission to practice *pro hac vice* of foreign attorneys have held that granting such admission is within the Court's sound discretion under appropriate circumstances. See, *Agjunction, LLC v. Agrain, Inc.*, No. 14–2069–JAR, 2014 WL 1745498, at * 1 (D.Kan. May 1, 2014) (citing cases) (“However, some courts with similarly limited local rules regarding *pro hac vice* admission have held that the decision to admit an attorney who is admitted to practice only in a foreign country rests ‘within the sound discretion of the district court’”); see also, e.g. *Rudich v. Metro Goldwyn Mayer Studio, Inc.*, No. 08-cv-389-bbc, 2008 U.S. Dist. LEXIS 66140, *2 (W.D. Wis. Aug. 27, 2008) (“Although the local rules do not provide for admission of foreign lawyers, the court certainly has the authority to admit them: ‘[f]ederal courts admit and suspend attorneys as an exercise of their inherent power.’” (quoting *In re Snyder*, 472 U.S. 634, 645, n. 6 (1985))); see also see also’ *United States v. CLGE, Inc.*, No. 14-CV-6792 (SFJ) (GRB), 2015 U.S. Dist. LEXIS 59398, *4 (E.D.N.Y. May 6, 2015) (Admission of foreign attorney where no provision is made in local rules rests within the sound discretion of the district court.).

In *Agjunction*, the District Court of Kansas articulated a framework for considering a motion to admit a foreign attorney and stated that the Court should make “an informed decision on a case-by-case basis, considering the local rules' requirements for *pro hac vice* admission, the nuances of the particular case for which the attorney seeks to be admitted, and the attorney's

level of knowledge of the federal practice in the United States, including familiarity with the Federal Rules of Civil Procedure and Federal Rules of Evidence.” *Agjunction, LLC v. Agrain, Inc.*, No. 14–2069–JAR, 2014 WL 1745498, at * 1 (D.Kan. May 1, 2014).

In the circumstances of this case, it would be a just exercise of judicial discretion to enter an order for *pro hac vice* admission having regard to the nuances of this particular case, Mr. Gilbert’s level of knowledge of the federal practice in the United States and because Mr. Gilbert’s admission will not compromise the Court’s control of the conduct of this action.

1. Nuances of the Particular Case

Mr. Gilbert has knowledge of the underlying subject matter of the case and the legal affairs of Plaintiff, Parimax Holdings, LLC (“Parimax”). Mr. Gilbert has been admitted *pro hac vice* in proceedings before the United States District Court for the Western District of Kentucky (*Parimax Holdings, LLC v. Ky Downs, LLC, and Exacta Systems, LLC*, Case No. 1:15-CV-82-GNS), as counsel to Parimax. Mr. Gilbert was granted admission *pro hac vice* notwithstanding that the Kentucky local rules do not make any provision for admission of foreign attorneys. A copy of the Order setting out the Kentucky local rules and justifying the *pro hac vice* admission of Mr. Gilbert is attached as **Exhibit 2**.

Mr. Gilbert has also been admitted *pro hac vice* in another proceeding involving the Defendant in the instant action, Exacta Systems, LLC, before the United States District Court for the Western District of Kentucky (*AmTote Int’l, Inc. v. Ky. Downs, LLC*, Case No. 1:15-CV-00047-GNS) (Gilbert Affidavit, ¶5). The two Kentucky actions and the instant action all relate

to a technology marketed by the parties known generically as “Historical Horse Racing”. (Gilbert Affidavit, ¶12)

Because he is counsel to Parimax in ongoing litigation against Defendant, Exacta Systems, LLC, in a related proceeding in Kentucky, and has knowledge related to Historical Horse Racing, Mr. Gilbert’s admission before this Court would result in more expeditious and economical resolution of the present matter (Gilbert Affidavit ¶¶12-15).

2. Mr. Gilbert’s knowledge of federal practice in the United States

Although Mr. Gilbert is a foreign lawyer, he has actual and practical knowledge of the federal rules of evidence and procedure (Gilbert Affidavit ¶9). He is experienced counsel who has appeared before United States Federal District Courts in six prior proceedings (Gilbert Affidavit ¶¶5-8). Additionally, he has represented a client before special hearings of the United States Federal Trade Commission and Food and Drug Administration (Gilbert Affidavit ¶11).

3. Mr. Gilbert’s admission will not compromise the Court’s control of the conduct of this action

Mr. Gilbert’s status as a foreign attorney will not compromise the tools that the Court may wish to employ to ensure proper behavior from attorneys appearing before it. Plaintiff is also represented by three attorneys practicing within the United States as co-counsel. This court may use tools such as Rule 11, 28 U.S.C. § 1927 and its inherent power to sanction any attorney misconduct that may occur, regardless whether the attorney is foreign. *Manez v. Bridgestone Firestone North America Tire, LLC*, 533 F.3d 578, 585 (7th Cir. 2008) (sanctioning Mexican attorney). See also *Lundahl v. American Bankers Insurance Company of Florida*, Case No. 2:12–

CV–280–SWS 2014 WL 11369429 (United States District Court, District of Wyoming) (this court citing *Manez*). Moreover, any future misconduct by Mr. Gilbert could be grounds for revocation of his *pro hac vice* status. *United States v. Nolen*, 472 F.3d 362, 375 (5th Cir. 2006). Furthermore, Mr. Gilbert may be reported to the Law Society of Upper Canada, which maintains an internal disciplinary system to address complaints brought against lawyers (see <http://www.lsuc.on.ca/with.aspx?id=644>).

I note that in granting admission *pro hac vice* to Mr. Gilbert’s colleague, Mr. Moeser, in *AmTote Int’l, Inc. v. Ky. Downs, LLC*, Case No. 1:15-CV-00047-GNS, the District Court for the Western District of Kentucky noted:

[T]he Plaintiff is also represented by three attorneys practicing within the United States as co-counsel. As such, the Court considers Mr. Moeser’s Canadian Bar admission and his consent to the jurisdiction of the Kentucky Supreme Court rules governing the practice of law to be a sufficient basis for his admission *pro hac vice*.

The Kentucky District Court further noted that it had previously granted admission *pro hac vice* to Mr. Gilbert and another lawyer from the same firm, Matthew J. Frontini, and that the admission of all three was justified under the circumstances so long as they maintained at least one United States court admitted counsel of record. Mr. Gilbert has confirmed that members of the Wyoming State Bar will be maintained as co-counsel in the instant action at all times (Gilbert Affidavit, ¶19). A copy of the Order granting *pro hac vice* admission of Mr. Moeser is attached as **Exhibit 3**.

Finally, I note that Plaintiff’s counsel has reached out to Defendant’s counsel to seek resolution of this motion outside of timely Court involvement, including providing Defendant’s

counsel with draft copies of these motion materials. Defendant's lead counsel, Mr. William Hoskins, is also counsel in the two Kentucky actions and has been admitted *pro hac vice* in the instant action.

I agree to be fully prepared to represent the above described Plaintiff at any time and in any capacity.

I agree to accept papers when served and recognize my responsibility and full authority to act for, and on behalf of, Plaintiff in all case-related proceedings, including hearings, pretrial conference, and trials.

WHEREFORE, the undersigned respectfully requests that the Court approve the attached, proposed order, admitting Timothy Gilbert, for the limited purpose of representing Plaintiff in the above-captioned matter.

Respectfully submitted this 1st day of December, 2016.

/s/ Ryan L. Ford

WILLIAMS, PORTER, DAY

AND NEVILLE, PC

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Ryan L. Ford, Wyo. State Bar # 7-4667

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jhinshaw@bgdlegal.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December, 2016, a true and correct copy of the foregoing document was filed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to counsel as follows:

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/s/ Ryan L. Ford

Ryan L. Ford, Wyo. State Bar # 7-4667

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

PARIMAX HOLDINGS, LLC,	)	
	)	
Plaintiff,	)	Case No. 16-CV-259-J
	)	
v.	)	
	)	
EXACTA SYSTEMS, LLC, f/k/a	)	
ENCORE GAMING, LLC,	)	
	)	
Defendant.	)	

AFFIDAVIT OF TIMOTHY GILBERT

PROVINCE OF ONTARIO)
) ss.
CITY OF TORONTO)

I, Timothy Gilbert, subscribe and affirm the following:

1. I have read the *Motion for Reconsideration of the Pro Hac Vice Admission of Timothy Gilbert* ("Motion") in its entirety and do hereby affirm that its contents are factually accurate.

2. I am an attorney with the law firm of Gilbert's LLP. I am the Managing Partner of the firm, which presently has 13 attorneys. I practice at the firm's Toronto, Ontario, office, located at Toronto-Dominion Centre; 77 King Street West; Suite 2010; Toronto ON M5K 1K2; Phone: 416-703-1100; Fax: 416-703-7422; e-mail: tim@gilbertslaw.ca.

3. I am licensed to practice law in Ontario. I was admitted to the Bar of Ontario on March 30, 1990. I am currently a member in good standing of the Law Society of Upper Canada (Ontario, Canada) and am able to practice before the Federal Court of Canada.

4. In addition to meeting the insurance requirements of the Law Society of Upper Canada, Gilbert's LLP maintains excess professional liability insurance, which applies to work performed for clients in respect of American law.

Prior *Pro Hac Vice* Admission to United States District Courts

5. I am currently admitted *pro hac vice* in the United States District Court for the Western District of Kentucky in another case involving the same parties as this proceeding – *Parimax Holdings, LLC v. Ky Downs, LLC, and Exacta Systems, LLC*, Case No. 1:15-CV-82-GNS (the “Parimax Kentucky Proceeding”). I am also admitted *pro hac vice* in the United States District Court for the Western District of Kentucky in a related proceeding against the defendant in this proceeding – *AmTote Int'l, Inc. v. Ky. Downs, LLC, and Exacta Systems, LLC*, Case No. 1:15-CV-00047-GNS. Copies of the Orders admitting me in those proceedings (collectively, the “Kentucky Proceedings”) are attached as **Exhibits “1” and “2”**. The Kentucky Proceedings include various claims including trade secret misappropriation.

6. Although I am not a member of the Bar of Kentucky, I am currently admitted to practice before the District Court for the purposes of the above-noted cases and am in good standing in relation to same.

7. I have also previously been admitted *pro hac vice* in the United States District Court for the Eastern District of Texas in patent infringement proceedings – *DataTreasury Corporation v. Wells Fargo, et al.*, Case No. 2:06-CV-72, and *Bullet Proof Technology of Texas LLC v. Renthal Ltd., et al.*, 2:09-CV-00316. Copies of the Orders admitting me in those Texas proceedings are attached as **Exhibits “3” and “4”**.

8. I have also previously been admitted *pro hac vice* in the United States District Court for the Eastern District of Pennsylvania in patent infringement proceedings – *Smithkline Beecham v. Apotex Corporation, et al.*, Case No. 2:99-CV-04304 and *Smithkline Beecham v. Apotex Corporation, et al.*, Case No.2:00-CV-04888.

9. As a result of my prior experience in these proceedings, including advice from lawyers licensed to practice in Kentucky, Indiana and Wyoming, I am familiar with the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the customs of federal practice in the United States.

Knowledge of the Relevant Law

10. I am familiar with federal intellectual property and competition law in the United States, including the *Lanham Act*, which is the basis for this proceeding.

11. In addition to the intellectual property cases described above, I also represented Apotex Corporation before special hearings of the Federal Trade Commission and the Food and Drug Administration, which resulted in reform of the *Drug Price Competition and Patent Term Restoration Act of 1984*, often referred to as the Hatch-Waxman Act.

Knowledge of the Subject-Matter of this Case

12. I have particular familiarity with the legal affairs of plaintiff Parimax Holdings, LLC (“Parimax”), including representing Parimax in the Parimax Kentucky Proceeding.

13. Defendant in the present case, Exacta Systems, LLC (“Exacta”), is also represented by its counsel from the Kentucky Proceedings.

14. I am also familiar with the underlying technology – historical horse racing systems – that is at issue in both this case and the Kentucky Proceedings.

15. In addition to the underlying technology, I am also familiar with the procedural history of the Kentucky Proceedings, which may be relevant in the present case. For example, Exacta's Memorandum in Support of its Motion to Dismiss in this case [Doc. 21] devotes 20 paragraphs (¶¶31-50) to describing other proceedings, including the Kentucky Proceedings, under the heading "Other Litigation by Parimax and its Affiliates". As such, it would be just, expeditious, and efficient for the Court and the parties to this case to have the same counsel present.

16. I personally attest to and agree to uphold the representations, covenants, and affirmations contained in the Motion.

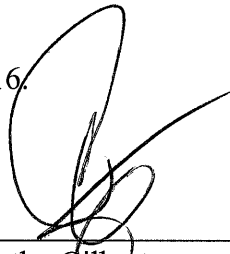
17. There are no pending disciplinary proceedings against me, and I have not been publicly sanctioned in the past by any jurisdiction in which I am licensed to practice law.

18. I hereby agree to comply with and be bound by the United States District Court for the District of Wyoming, applicable local rules, and the Rules of Professional Conduct.

19. The plaintiff in the present proceeding is also represented by two attorneys who are members in good standing of the Wyoming State Bar ("Local Counsel"). I hereby acknowledge that Local Counsel is required to be fully prepared to represent the client at any time, in any capacity.

20. I hereby acknowledge that I submit to and am subject to disciplinary jurisdiction of this Court for any alleged misconduct arising in the course of preparation and representation in the proceedings.

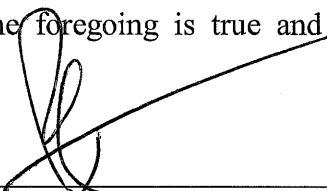
Respectfully submitted this 1st day of December, 2016.

By: 

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Admission Pending

Declaration

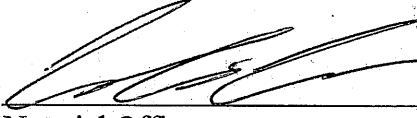
I declare under penalty of perjury that the foregoing is true and correct within the meaning of 28 U.S.C. § 1746.

By: 

Timothy Gilbert

PROVINCE OF ONTARIO)
) ss.
CITY OF TORONTO)

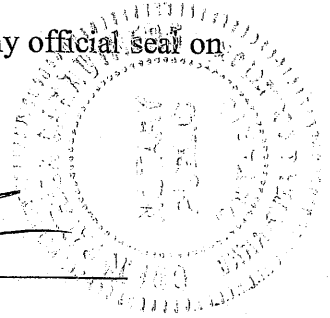
This instrument was acknowledged before me on this 1st day of December, 2016, by Timothy Gilbert. IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

By: 

Notarial Officer

Colin Carruthers

My Commission does not expire.



IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION

PARIMAX HOLDINGS, LLC

Plaintiff

v.

KENTUCKY DOWNS, LLC AND
ENCORE GAMING, LLC

Defendants

Case No. 1:15-CV-00082-GNS

Hon. Judge Greg Stivers

ORDER FOR ADMISSION PRO HAC VICE OF TIMOTHY H. GILBERT

Upon consideration of the Motion of Reva D. Campbell, counsel for Plaintiff Parimax Holdings, LLC, and the Court being sufficiently advised,

IT IS HEREBY ORDERED that Timothy H. Gilbert should be, and hereby is, granted permission to appear and participate *pro hac vice* as co-counsel of record in this action for Plaintiff. As Mr. Gilbert is not a member of the Bar of any state of the United States, United States territory or the District of Columbia, Plaintiff shall at all times throughout the pendencies of this action be represented by at least one attorney who is admitted to practice before this Court and is a member of a Bar of a state or territory of the United States or the District of Columbia.


H. Brent Brennenstuhl
United States Magistrate Judge

August 17, 2016

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION**

AMTOTE INTERNATIONAL INC.,)

Plaintiff)

v.)

Case No. 1:15-CV-47-GNS

KENTUCKY DOWNS, LLC, COREY S.)
JOHNSON, NICHOLAS HUGHES,)
RAYFORD T. REID, and ENCORE)
GAMING, LLC,)

Defendants)

Hon. Judge Greg Stivers

ORDER FOR ADMISSION *PRO HAC VICE* OF TIMOTHY H. GILBERT

Upon consideration of the Motion of Reva D. Campbell, counsel for Plaintiff AmTote International Inc., and the Court being sufficiently advised,

IT IS HEREBY ORDERED that Timothy H. Gilbert should be, and hereby is, granted permission to appear and participate *pro hac vice* as co-counsel of record in this action for Plaintiff.


H. Brent Brennenstuhl
United States Magistrate Judge

April 13, 2015

TENDERED BY:

/s/ Reva D. Campbell

James M. Hinshaw, jhinshaw@bgdlegal.com

BINGHAM GREENEBAUM DOLL LLP

2700 Market Tower

10 West Market Street

Indianapolis, Indiana 46204

(317) 635-8900

(317) 236-9907 (facsimile)

and

Reva D. Campbell, rcampbell@bgdlegal.com

BINGHAM GREENEBAUM DOLL LLP

101 South Fifth Street

3500 National City Tower

Louisville, Kentucky 40202

(502) 587-3554

(502) 540-2268 (facsimile)

COUNSEL FOR PLAINTIFF

AMTOTE INTERNATIONAL INC.

16057594_1.doc

Orders on Motions

1:15-cv-00047-GNS-HBB Amtote International Inc. et al v. Kentucky Downs, LLC et al

U.S. District Court

Western District of Kentucky

Notice of Electronic Filing

The following transaction was entered on 4/14/2015 at 3:29 PM EDT and filed on 4/14/2015

Case Name: Amtote International Inc. et al v. Kentucky Downs, LLC et al

Case Number: 1:15-cv-00047-GNS-HBB

Filer:

Document Number: 13

Docket Text:

ORDER granting [10] Motion to Appear Pro Hac Vice as to Timothy H. Gilbert. Signed by Magistrate Judge H. Brent Brennenstuhl on 4/13/2015. cc: Counsel (CDR)

1:15-cv-00047-GNS-HBB Notice has been electronically mailed to:

James M. Hinshaw jhinshaw@bgdlegal.com, lcase@bgdlegal.com

Reva D. Campbell rcampbell@bgdlegal.com, jclemons@bgdlegal.com

1:15-cv-00047-GNS-HBB Notice will not be electronically mailed to.:

Timothy H. Gilbert
Gilbert's LLP
77 King Street West, Suite 2010
P.O. Box 301
Toonto, ON M5K1K2

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

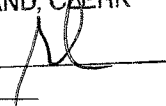
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] [9082978de69c04aaa01950eb0fc6a286bc65c6494a42c595b8cbaf4d6268a15669c
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Appendix K

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
Marshall DIVISION
APPLICATION TO APPEAR PRO HAC VICE

Revised: 1/24/07
FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 24 2007

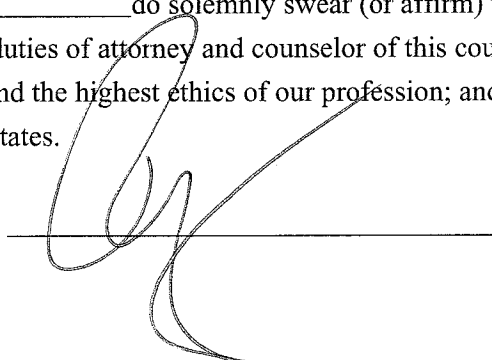
DAVID J. MALAND, CLERK
BY DEPUTY 

1. This application is being made for the following: Case # 2:06 CV 72
Style: Data Treasury Corporation vs. Wells Fargo, et al.
2. Applicant is representing the following party/ies: Data Treasury Corporation
3. Applicant was admitted to practice in Ontario (state) on 1990 (date).
4. Applicant is in good standing and is otherwise eligible to practice law before this court.
5. Applicant is not currently suspended or disbarred in any other court.
6. Applicant has ☒ has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.
7. Applicant has ☒ has not ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.
8. Applicant has ☒ has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle). If so, give complete information on a separate page.
9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses.
10. There are no pending grievances or criminal matters pending against the applicant.
11. Applicant has been admitted to practice in the following courts:
ONTARIO, CANADA
12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."
13. Applicant has included the requisite \$25 fee (see Local Rule AT-1(d)).
14. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only.

Application Oath:

I, Timothy H. Gilbert do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date Oct. 17/07

Signature 

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APPLICATION TO APPEAR PRO HAC VICE (Continued)

Law Society of
Upper Canada

Name (please print) Timothy H. Gilbert
~~State Bar~~ Number 3006054
Firm Name: Gilbert's LLP
Address/P.O. Box: 49 Wellington St. E.
City/State/Zip: Toronto, Ontario M5E 1C9
Telephone #: 416-703-1100
Fax #: 416-703-7422
E-mail Address: time@gilbertslaw.ca
Secondary E-Mail Address: _____

Applicant is authorized to enter an appearance as counsel for the party/parties listed above. This
application has been approved for the court on: October 24, 2007

David J. Maland, Clerk
U.S. District Court, Eastern District of Texas

By 
Deputy Clerk

GILBERT'S LLP

NAVIGATING LAW AND SCIENCE

TIM GILBERT

Professional Experience

Tim is a partner and founder of Gilbert's LLP. He was called to the Ontario Bar in 1990 and founded Gilbert's in 2001 after spending eight years with a prominent Toronto boutique litigation firm where he was a partner.



He is an able and experienced trial advocate and has represented clients in various courts and forums in a variety of areas. He is known and respected in the commercial courts of Ontario and the Federal Court of Canada and has broad experience in intellectual property litigation.

Tim has developed a unique practice focused on the legal needs of entrepreneurs and leading corporations in the pharmaceutical and technology industries. He has significant experience in the regulatory, litigation and commercial aspects of drug development.

Tim has litigated many intellectual property disputes involving patent, copyright, trademark, breach of confidence and Plant Breeders Rights in a variety of industries. He also has significant experience in competition law and policy and government relations.

He has been intimately involved in the reform of U.S. and Canadian patent litigation systems. This has involved counsel to a special hearing in Washington of the U.S. Food and Drug Administration and Federal Trade Commission as Chair of the U.S. Generic Pharmaceutical Association's Task Force on Legislative Reform proceedings before the Federal Trade Commission and the Senate Health Education and Labor Committee.

Tim has recently represented the Province of Ontario in a significant dispute with interests in Michigan concerning Ontario shipments of waste to Michigan.

Notable Matters

- Counsel to Visto Corporation in patent infringement litigation in Federal Court and commercial litigation in Ontario Superior Court
- Counsel to land owners opposed to the proposed development on Lake Simcoe of the largest marina complex in Canada, currently being considered by the Ontario Municipal Board
- Counsel to various leading manufacturers of pharmaceutical products resulting in successful proceedings in Federal Court and timely approval of generic and branded medications
- Counsel to Mylan Laboratories Inc. at special hearings of the US Senate Special Committee on Ageing - *The Generic Drug Maze: Speeding Access to Affordable, Life Saving Drugs*, July 20, 2006
- Counsel in an application against the National Hockey League relating to the Stanley Cup and related trade-marks (2005)
- Successful prosecution of Ontario Realty Corporation of the Environmental Assessment Act (2004)

GILBERT'S LLP

NAVIGATING LAW AND SCIENCE

- Representation of Huron-Wendat Nation in respect of Aboriginal Heritage Claims
- Representing a leading hotel developer of hotel in Grand Cayman and Ontario in a copyright infringement and breach of contract actions relating to construction of the Ritz Carlton Hotel in Grand Cayman (2006)
- Representing a Chinese consumer goods manufacturer in a trade secret, passing off, trademark and industrial design infringement action (2006)
- Successful defence of proceedings regarding interference with economic relations in the telecommunications industry
- Acted in a breach of contract and copyright infringement case relating to video lottery software
- Successfully represented on appeal a corporation which purchased a hotel from a court-appointed receiver: *In re the Receivership of Regal Constellation Hotel Ltd.*, [2004] O.J. No. 2744 (C.A.)

Prior Employment Experience

Lenczner Slaght Royce Smith Griffin LLP (Toronto, ON) — *Partner* 1993 – 2001

- Partner at Canada's premier commercial litigation law firm

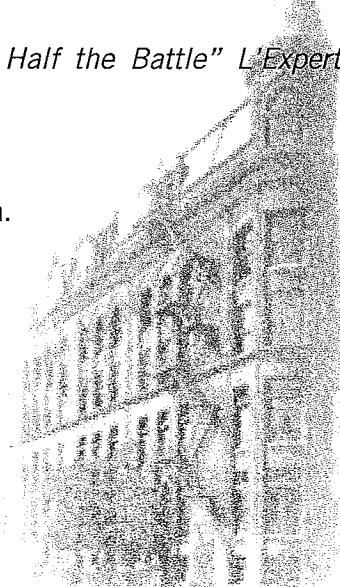
Goodmans LLP (Toronto, ON) — *Associate* 1990 – 1992

Speaking Engagements & Publications

- Instructor in Trial Advocacy, University of Toronto Law School, Osgoode Hall Law School (1997 -)
- Invited Speaker: American Conference Institute Pharmaceutical Antitrust Conference (2007)
- Invited Speaker: American Bar Association Program on Authorized Generics (2006)
- Invited Speaker: *Pills, Politics, and Purse Strings: A Practitioner's Guide to Innovation in the Global Economy* - Public Policy Forum (2006)
- Invited Keynote Speaker: "Lunch & Learn" on Patent Issues hosted by the office of Congressman Henry Waxman (2006)
- Author: "Confusion and Contradiction: Untangling Drug Importation and Counterfeit Drugs", *California Western Law Review International Law Journal*, Vol. 36, No. 1, Fall 2005 (with Sana Halwani)
- Author: "Serving Up the Numbers – Providing Liability is Only Half the Battle" *L'Expert Magazine* (2000) (Wayne Rudson, C.A.).

Memberships

- Law Society of Upper Canada; Bar Associations in U.S. and Canada.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
Marshall DIVISION
APPLICATION TO APPEAR PRO HAC VICE

FILED-11-13
U.S. DISTRICT COURT
2011 NOV 15 AM 11:13
IN EASTERN DISTRICT OF TEXAS

1. This application is being made for the following: Case # 2:09-cv-00316
Style: Bullet Proof Technology of Texas LLC v. Renthal Ltd; Renthal America Inc., et al.
2. Applicant is representing the following party/ies: Bullet Proof Technology of Texas LLC
3. Applicant was admitted to practice in Ontario (~~state~~) on 1990 (date).
4. Applicant is in good standing and is otherwise eligible to practice law before this court.
5. Applicant is not currently suspended or disbarred in any other court.
6. Applicant has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.
7. Applicant has not ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.
8. Applicant has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle). If so, give complete information on a separate page.
9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses. N/A
10. There are no pending grievances or criminal matters pending against the applicant.
11. Applicant has been admitted to practice in the following courts:
Courts of Ontario, Federal Courts of Canada, Supreme Court of Canada
12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."
13. Applicant has included the requisite \$100 fee (see Local Rule AT-1(d)).
14. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only.

Application Oath:

I, Tim Gilbert do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date November 10, 2011

Signature [Signature]

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

APPLICATION TO APPEAR PRO HAC VICE (Continued)

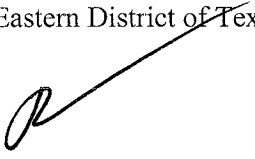
Name (please print) Timothy H. Gilbert
State Bar Number Law Society of Upper Canada - 30665U
Firm Name: Gilbert's LLP
Address/P.O. Box: 77 King Street West, Ste 2010, PO Box 301
City/State/Zip: Toronto, Ontario M5K 1K2
Telephone #: 416-703-1100
Fax #: 416-703-7422
E-mail Address: tim@gilbertslaw.ca
Secondary E-Mail Address: _____

Applicant is authorized to enter an appearance as counsel for the party/parties listed above. This

application has been approved for the court on: 11-15-11

David J. Maland, Clerk

U.S. District Court, Eastern District of Texas

By 

Deputy Clerk

Court Name: District Court
Division: 2
Receipt Number: TXE280009016
Cashier ID: pa
Transaction Date: 11/16/2011
Payer Name: DAVIS FIRM

PRO HOC VICE
For: DAVIS FIRM
Case/Party: D-TXE-6-11-AA-999999-001
Amount: \$200.00

CHECK
Check/Money Order Num: 1880
Amt Tendered: \$200.00

Total Due: \$200.00
Total Tendered: \$200.00
Change Amt: \$0.00

ORIGINAL MUST BE RETAINED FOR
RETURN OF CRIMINAL BOND

- (2) an Authorization and Release;
 - (3) an affidavit of sponsorship signed by a member of the bar; and
 - (4) the prescribed fee; and
 - (5) a statement identifying the method of training completed before use of the Court's electronic filing system.
- (c) **Admission.** After the Court grants the attorney's application, the applicant may be admitted by mail or by appointment in open court.
- (1) **Admission by Mail.** Upon request, the Clerk will promptly mail a Certificate of Admission to the applicant.
 - (2) **Admission in Open Court.** Upon request, the Clerk will arrange for a hearing at which time the sponsor will move to admit the applicant. The presiding judge will administer the attorney's oath or affirmation in open court.

LR 83.2**Permission to Practice in a Particular Case***

- (a) **Procedure.** An attorney who has not been admitted to the Bar of the Court – but who is in good standing in the Bar of any state, territory, or the District of Columbia – may represent parties before the Court if the attorney has paid the prescribed *pro hac vice* admission fee to the Clerk of the Court and been granted leave by the Court to appear *pro hac vice* in a particular case. A separate motion for each attorney requesting *pro hac vice* admission must include the following information:
- (1) *Admission Status.* The motion must identify each Bar in which the attorney is a member and attach a certificate of good standing issued by the highest court of the state, territory, or the District of Columbia in which the attorney is a resident. The certificate of good standing must be issued no more than ninety (90) days before the filing of the motion.
 - (2) *Disciplinary History.* The motion must disclose whether the attorney is currently or has ever been disbarred, suspended from practice, or subject to other disciplinary action by any court, state, territory, or the District of Columbia.
 - (3) *Consent to Jurisdiction.* The motion must include a statement indicating that the attorney consents to be subject to the jurisdiction and rules of the Kentucky Supreme Court governing professional conduct.
 - (4) *ECF Training.* The motion must identify the method of training completed by the attorney before use of the Court's electronic filing system.
- (b) The Attorney General or any other bar member of the Department of Justice, or of any federal agency, including federal public defenders or panel attorneys that cross district lines, need not seek admission *pro hac vice* under this rule.
- (c) **Sanctions.** Nothing in this rule detracts from the Court's power to sanction unprofessional conduct.

*The Attorney General or any other officer of the Department of Justice need not seek admission pro hac vice under this rule. See 28 U.S.C. § 515(a).

LR 83.3

Attorney Discipline

- (a) **Discipline Generally.** Any attorney practicing before the Court is subject to discipline by the Court upon a showing that:
 - (1) The attorney is currently suspended or disbarred by any admitting or licensing authority; or
 - (2) The attorney is guilty of unprofessional conduct in the matter pending before the Court.
- (b) **Discipline By Admitting or Licensing Authority; Procedure.**
 - (1) **Attorney's Duty to Notify.** An attorney practicing before the Court who is publicly reprimanded, suspended or disbarred by any admitting or licensing authority must inform the Clerk in writing of the public reprimand, suspension or disbarment, within ten (10) days after the effective date of any such public reprimand, suspension, or disbarment.
 - (2) *Automatic Reciprocal Discipline; Discretion to Enhance Discipline.* Unless otherwise ordered by the Court, any such attorney who has been suspended or disbarred by any admitting or licensing authority, whether by suspension, revocation, or disbarment, shall automatically forfeit his or her right to practice law before this Court during the same period that such attorney has been prohibited from practicing law by such other licensing authority, or, under the Court's discretion, for a greater period of time. The Clerk of Court shall send a written notice to the attorney, together with a copy of this section of the Local Rules, informing the attorney of the forfeiture of his or her right to practice law before this court. Any failure or delay with regard to the sending of such notice shall not affect the automatic forfeiture provisions of this section.
 - (3) *Grounds for Challenge.* Within thirty (30) days after the effective date of any suspension or disbarment by any admitting or licensing authority, the attorney may file a written challenge to the reciprocal discipline imposed under section (2). To conclude that the entry of some other order is appropriate, the Court must find that the record underlying the attorney's suspension or disbarment clearly indicates that:
 - (A) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
 - (B) the proof establishing the misconduct was so infirm that the Court could not – consistent with its duty – accept the conclusion of the admitting or licensing authority as final;
 - (C) the Court's disqualification of the attorney would result in grave injustice; or

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION

PARIMAX HOLDINGS, LLC

Plaintiff

v.

KENTUCKY DOWNS, LLC AND
ENCORE GAMING, LLC

Defendants

Case No. 1:15-CV-00082-GNS

Hon. Judge Greg Stivers

ORDER FOR ADMISSION PRO HAC VICE OF TIMOTHY H. GILBERT

Upon consideration of the Motion of Reva D. Campbell, counsel for Plaintiff Parimax Holdings, LLC, and the Court being sufficiently advised,

IT IS HEREBY ORDERED that Timothy H. Gilbert should be, and hereby is, granted permission to appear and participate *pro hac vice* as co-counsel of record in this action for Plaintiff. As Mr. Gilbert is not a member of the Bar of any state of the United States, United States territory or the District of Columbia, Plaintiff shall at all times throughout the pendencies of this action be represented by at least one attorney who is admitted to practice before this Court and is a member of a Bar of a state or territory of the United States or the District of Columbia.


H. Brent Brennenstuhl
United States Magistrate Judge

August 17, 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION**

	)	
AMTOTE INTERNATIONAL INC.	)	
	)	
PLAINTIFF	)	Civil Action No. 1:15cv-00047-GNS
v.	)	JUDGE GREG N. STIVERS
	)	
KENTUCKY DOWNS, LLC;	)	
COREY S. JOHNSEN, in both his individual	)	
and corporate capacities; NICHOLAS HUGHES,	)	
in both his individual and corporate capacities;	)	
RAYFORD T. REID, in both his individual and	)	
corporate capacities; and	)	
ENCORE GAMING, LLC	)	
	)	
DEFENDANTS	)	

ORDER

Before the Court is the motion of Plaintiff AmTote International, Inc., for admission *pro hac vice* of attorney Andrew Alan Moeser to serve as co-counsel in this case (DN 95). The motion is supported by application of current co-counsel Reva D. Campbell.

Ms. Campbell and Mr. Moeser have submitted affidavits in support of the application for leave to practice *pro hac vice* at DN 95-1 and 95-2. Each avers that Mr. Moeser is currently duly licensed and in good standing to practice law in the Province of Ontario, Canada. Mr. Moeser further avers that he has never been suspended or disbarred from any court, nor has any adverse disciplinary decision been rendered against him by any provincial or state bar, bar association or court. He also indicates his consent to be

subject to the jurisdiction and rules of the Kentucky Supreme Court governing professional conduct. (DN 95-2).

LR 83.2 governs admissions *pro hac vice*. The rule provides that “[a]n attorney who has not been admitted to the Bar of the Court – but who is in good standing in the Bar of any state, territory, or the District of Columbia – may represent parties before the Court if the attorney has paid the prescribed *pro hac vice* admission fee to the Clerk of the Court and been granted leave by the Court to appear *pro hac vice* in a particular case.” Here, Mr. Moeser indicates he is admitted to practice law in the Province of Ontario, Canada. He does not indicate that he is a member of any Bar of a U.S. state or territory or in the District of Columbia. The rule does not contemplate *pro hac vice* admission on the basis of Bar admission in a foreign country alone.

Even though the local rules do not make any provision for admission of foreign attorneys, the Court may nonetheless grant admission under appropriate circumstances. “Although the local rules do not provide for admission of foreign lawyers, the court certainly has the authority to admit them: ‘[f]ederal courts admit and suspend attorneys as an exercise of their inherent power.’” Rudich v. Metro Goldwyn Mayer Studio, Inc., No. 08-cv-389-bbc, 2008 U.S. Dist. LEXIS 66140, *2 (W.D. Wis. Aug. 27, 2008)(*quoting In re Snyder*, 472 U.S. 634, 645, n. 6 (1985)); *see also* United States v. CLGE, Inc., No. 14-CV-6792 (SFJ) (GRB), 2015 U.S. Dist. LEXIS 59398, *4 (E.D.N.Y. May 6, 2015) (Admission of foreign attorney where no provision is made in local rules rests within the sound discretion of the district court.).

Here, the undersigned notes that the Plaintiff is also represented by three attorneys practicing within the United States as co-counsel. As such, the Court considers Mr. Moeser's Canadian Bar admission and his consent to the jurisdiction of the Kentucky Supreme Court rules governing the practice of law to be a sufficient basis for his admission *pro hac vice*.

The undersigned further notes that it previously granted *pro hac vice* admission to Timothy H. Gilbert (DN 13) and Matthew J. Frontini (DN 29). Review of the motions and supporting affidavits for these attorneys reveals that they are also licensed to practice law only in Canada. As is the normal practice, the office of the Court Clerk verified good standing in their respective Bars before submitting the order for approval. To the recollection of various members of the Court and Clerk's office, this case represents the first instance in which a foreign attorney not admitted to any court within the United States has applied for *pro hac vice* admission and thus the absence of provision for foreign court admission was overlooked during the verification process. The undersigned concludes that their *pro hac vice* admission is likewise justified under the circumstances. Plaintiff is notified, however, that throughout the pendency of this action it must maintain at least one United States court admitted counsel of record.

IT IS THEREFORE ORDERED Plaintiff's motion to admit Andrew Alan Moeser *pro hac vice* (DN 95) is **GRANTED**.

ENTERED this June 20, 2016

Copies to: Counsel of Record


H. Brent Brennenstuhl
 United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

PARIMAX HOLDINGS, LLC,	)	
	)	
Plaintiff,	)	Case No. 16-CV-259-J
	)	
v.	)	
	)	
EXACTA SYSTEMS, LLC, f/k/a	)	
ENCORE GAMING, LLC,	)	
	)	
Defendant.	)	

**ORDER GRANTING MOTION FOR RECONSIDERATION AND
ADMITTING TIMOTHY GILBERT *PRO HAC VICE***

THIS MATTER comes before the Court upon the Motion for Reconsideration of the Admission *Pro Hac Vice* of Timothy Gilbert. It appearing that Timothy Gilbert is licensed to practice in the Bar of Ontario, and that he has associated in this matter with a member in good standing of the bar of the United States District Court for the District of Wyoming and this Court, who shall participate meaningfully in all aspects of these cases, it is:

NOW, THEREFORE, ORDERED, pursuant to the local rules of this Court, that the Motion for Reconsideration is GRANTED and Timothy Gilbert be and is hereby admitted, *pro hac vice*, to participate in this cases and related proceedings.

Dated this _____ day of _____, 2016.

BY THE COURT:

United States District Court Judge/Magistrate

Appendix I

FILED



8:35 am, 12/6/16

Stephan Harris
Clerk of Court

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

PARIMAX HOLDING, LLC

Plaintiff,

VS.

EXACTA SYSTEMS, LLC, f/k/a ENCORE GAMING, LLC,

Defendants.

Civil Action No. 16-CV-259-J

**ORDER GRANTING ADMISSION *PRO HAC VICE* OF TIMOTHY GILBERT, ANDREW
MOESER AND MATTHEW FRONTINI AS COUNSEL FOR PLAINTIFF**

THIS MATTER having come before the Court upon the motions for reconsideration by the Defendant, pursuant to Rule 84.2(b) of the Local Rules of the United States District Court for the District of Wyoming for the purpose of admitting Timothy Gilbert, Andrew Moeser and Matthew Frontini as Pro Hac Vice counsel in the District of Wyoming. The Court reviewed this matter, and finds that the motions should be granted. Accordingly,

IT IS HEREBY ORDERED that Timothy Gilbert, Andrew Moeser and Matthew Frontini are hereby admitted to practice before this Court for all purposes in this matter.

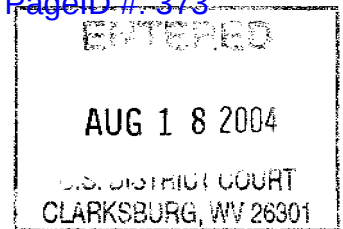
IT IS FURTHER ORDERED that Local counsel shall be present in Court during all Proceedings in connection with the case, unless excused by the Court, and shall have full authority to act for and on behalf of the client in all matters including pretrial conferences, as well as trial or any other hearings. Any notice, pleading or other paper shall be served on all counsel of record including local counsel.

DATED this 6th day of December, 2016


KELLY H. RANKIN
UNITED STATES MAGISTRATE JUDGE

Appendix J

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG



MYLAN PHARMACEUTICALS INC.,

Plaintiff,

v.

Civil Action No.: 1:04cv00174

FOOD AND DRUG ADMINISTRATION,
et al.

Defendants.

MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to the Local Rule of General Practice and Procedure 83.2, I verify that I have fully complied with that rule as it relates to admission to practice *pro hac vice*.

Timothy H. Gilbert
Applicant's Name

Mylan Pharmaceuticals Inc.
Representing (Party Name)

Gilbert's LLP
Name of Firm

The Flatiron Building, 49 Wellington Street E.
Toronto, ON, M5E 1C9
Office Address

(416) 703-1100
Office Telephone Number

(416) 703-7422
Office Fax Number

Name, Address, and Telephone Numbers of State Bars in which admitted:

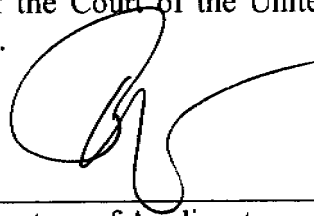
Law Society of Upper Canada
130 Queen Street West
Toronto, ON, M5H 2N6
Tel: (416) 947-3300

All matters before West Virginia tribunals or bodies in which the applicant is or has been involved in the preceding twenty-four (24) months: None

All matters before West Virginia tribunals or bodies in which any member of applicant's firm, partnership or corporation is or has been involved in the preceding twenty-four (24) months: None

I certify that the foregoing application is true and correct. I hereby represent that I am a member in good standing with the bar of every jurisdiction in which I am admitted and my privileges to practice law and my membership in any bar association have never been amended, modified, suspended, revoked or otherwise limited in any way in any court, district, state, commonwealth or other jurisdiction. I also certify that I have never been convicted of a felony. I agree to comply with all laws, rules, and regulations of the United States Courts where applicable.

I further certify that I have submitted with this application, the requisite fee of Fifty Dollars (\$50.00) payable to the Clerk of the Court of the United States District Court for the Northern District of West Virginia.



Signature of Applicant

Gordon H. Copland (WV Bar No. 828)
Megan D. Dortenzo (WV Bar No. 7264)

Name of Responsible Local Attorneys

Steptoe & Johnson pllc

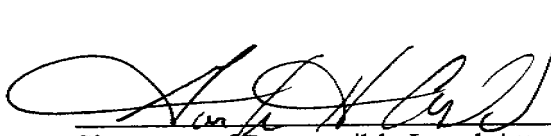
Name of Firm

(304) 624-8000
Office Telephone Number

Bank One Center, P.O. Box 2190
Clarksburg, WV 26302-2190

Office Address

Pursuant to Local Rule of General Practice and Procedure 83.2, I have read the foregoing application and, by my endorsement hereon, agree to be a responsible local attorney in the above-styled matter. I further certify that I am an active member in good standing of the West Virginia Bar and that I maintain an actual office in West Virginia from which I practice law on a daily basis.



Signature of Responsible Local Attorney

ORDER

Upon consideration of the foregoing Application for Admission *Pro Hac Vice*, it is **ORDERED** that the Application for Admission *Pro Hac Vice* be, and the same is hereby, **APPROVED** and that the applicant may appear *pro hac vice* in this matter on behalf of the represented party.

ENTERED: August 18, 2004

James M. Healey
United States District Judge