

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION

Petitioner,

v.

THROUGHPUTER, INC.

Patent Owner.

Case No. IPR2023-00852

U.S. Patent No. 11,150,948

**PATENT OWNER'S MOTION FOR ADMISSION
PRO HAC VICE OF W. COOK ALCIATI**

LIST OF EXHIBITS

Exhibit (“Ex.”)	Description
2001	Declaration of W. Cook Alciati in Support of Motion for Admission <i>Pro Hac Vice</i> .

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, Patent Owner THROUGHPUTER, INC. requests that the Board admit W. Cook Alciati *pro hac vice* in this proceeding. Petitioner has indicated that they will not oppose this motion.

II. GOVERNING RULE

Pursuant to 37 C.F.R. §42.10(c), the Board

may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions 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 at issue in the proceeding.

III. SHOWING UNDER 37 C.F.R. §42.10(c)

The undersigned is a registered practitioner and is experienced in *inter partes* proceedings before the Board. W. Cook Alciati is a member in good standing of the New York State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States District Court for the Western District of New York, the United States District Court for the Western District of Wisconsin, the United States District Court for the District of Colorado, and the United States Court of Appeals for the Federal Circuit. (Ex.

2001 ¶2). Mr. Alciati has been litigating patent cases for approximately twelve years and has been involved in several *inter partes* reviews and reexamination proceedings. (*Id.* at ¶1)

Mr. Alciati has familiarity with the subject matter at issue in the proceeding. Mr. Alciati has reviewed U.S. Patent No. 11,150,948. Mr. Alciati is also counsel for Plaintiff in the related district court litigation *ThroughPuter, Inc. v. Microsoft Corporation*, No. 2:22-cv-00344-BJR (W.D. Wash.). Moreover, Mr. Alciati has reviewed the Petition for *Inter Partes* review, the declarations of Dr. Henry Houh and June Ann Munford as well as the primary references at issue in the Petition – Nollet, Tuan, and Seo. (*Id.* at ¶8). Therefore, Mr. Alciati has familiarity with the subject matter at issue in the proceeding. Mr. Alciati has also been admitted *pro hac vice* before the Board in IPR2014-01235, IPR2015-00249, IPR2017-01809, IPR2017-01810, IPR2019-00405, IPR2019-00408, IPR2019-00409, IPR2022-00527, IPR2022-00528, IPR2022-00574, IPR2022-00757, IPR2022-00758, and IPR2022-01566. (*Id.* at ¶7).

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit W. Cook Alciati *pro hac vice* as back-up counsel in this proceeding.

Dated: July 19, 2023

Respectfully submitted,

ROPES & GRAY LLP

By: /Scott A. McKeown/
Scott A. McKeown (Lead Counsel)
USPTO Reg. No. 42,866
ROPES & GRAY LLP
2099 Pennsylvania Avenue, NW
Washington, D.C. 20006
Phone: 202-508-4740
Fax: 617-235-9492
scott.mckeown@ropesgray.com

Attorney for Patent Owner
THROUGHPUTER, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF W. COOK ALCIATI and EXHIBIT 2001 were served in their entireties by filing these documents through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as providing a courtesy copy via e-mail to the following attorneys of record for the Petitioner listed below:

Lead Counsel:	W. Karl Renner (Reg. No. 41,265) IPR42342-0120IP1@fr.com Fish & Richardson P.C. 60 South Sixth Street, Suite 3200 Minneapolis, MN 55402 Phone: 202-783-5070 Fax: 877-769-7945 PTABInbound@fr.com axf-ptab@fr.com
Back-up Counsel:	David L. Holt (Reg. No. 65,161) Jennifer Huang (Reg. No. 64,297) Nicholas Stephens (Reg. No. 74,320) PTABInbound@fr.com holt2@fr.com jjh@fr.com nstephens@fr.com

Dated: July 19, 2023

By: /Scott A. McKeown/
Name: Scott A. McKeown
ROPES & GRAY LLP