

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AFFORDABLE WIRE MANAGEMENT, LLC,

Petitioner

v.

CAMBRIA COUNTY ASSOCIATION FOR THE BLIND  
AND HANDICAPPED, INC.

Patent Owner

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Case IPR2024-00139

Patent 10,177,551 B1

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**PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*  
ADMISSION OF EDWARD C. FLYNN UNDER 37 C.F.R. § 42.10(c)**

## **BACKGROUND**

Patent Owner Cambria County Association for the Blind and Handicapped, Inc. ("Patent Owner"), pursuant to 37 C.F.R. §42.10(c), respectfully requests that the Board recognize Edward C. Flynn, Esq., as counsel *pro hac vice* for Patent Owner during this proceeding. Counsel for Petitioner has indicated that Petitioner does not oppose this motion.

Patent Owner's Motion for Pro Hac Vice Admission is further being filed in compliance with and pursuant to the Board's "Order—Authorizing Motion for Pro Hac Vice Admission" in Case No. IPR2013-00639 ("the Order"), and pursuant to the Board's advanced authorization in the present proceeding as expressed in the Board's Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response dated November 15, 2023 (IPR2024-00139, Paper 3).

## **STATEMENT OF FACTS**

Pursuant to 37 C.F.R. § 42.10(c) and the Order, the Board may admit counsel *pro hac vice* for good cause, subject to any other conditions that the Board may require, so long as lead counsel is a registered practitioner. Good cause includes when "counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." 37 C.F.R. § 42.10(c). The undersigned, Patent Owner's lead counsel, Daniel J. Melman, is a

registered practitioner (Reg. No. 55,451), as is Patent Owner's backup counsel, Theodore Y. McDonough (Reg. No. 71,981). The following statement of facts shows that there is good cause for the Board to recognize Mr. Flynn *pro hac vice*.

Mr. Flynn is an experienced litigating attorney with over 40 years of experience and has been involved in numerous IPR proceedings, patent litigations, and complex litigations in state and federal courts. Mr. Flynn is a member in good standing of the Bar of the Commonwealth of Pennsylvania. He has no suspensions or disbarments from practice, no denials for admission to practice, and no sanctions or contempt citations.

Mr. Flynn also is counsel to Patent Owner in related patent infringement litigation in the Federal District Court of Delaware, captioned *Cambria County Association for the Blind and Handicapped, Inc. v. Affordable Wire Management, LLC*, No. 1:23-cv-00080-SRF (D. Del.), in which Patent Owner has asserted U.S. Patent No. 10,177,551 ("the '551 Patent") and U.S. Patent No. 11,349,291 against Petitioner. *See* Patent Owner's Mandatory Notices (Paper No. 6).

Mr. Flynn has reviewed the '551 Patent, as well as the Petition filed in this proceeding, as well as the exhibits submitted by Petitioner in support thereof. Mr. Flynn is familiar with the technology related to the '551 Patent.

Mr. Flynn has read and will comply with the Office Patent Trial Practice Guide, the Trial Practice Guide updates, and the Board's Rules for Practice for

Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq., and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

Therefore, Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Flynn as counsel *pro hac vice* during this proceeding.

Patent Owners's Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Edward C. Flynn attached hereto as Exhibit A as required by the Order.

Dated: December 8, 2023

By: / Daniel J. Melman /  
Daniel J. Melman (Reg. No. 55,451)  
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# EXHIBIT A

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**DECLARATION OF EDWARD C. FLYNN IN SUPPORT OF  
UNOPPOSED MOTION TO APPEAR *PRO HAC VICE*  
ON BEHALF OF PATENT OWNER**

I, Edward C. Flynn, do hereby declare:

1. I am a member of law firm Eckert Seamans Cherin & Mellott, LLC, which represents the Cambria County Association for the Blind and Handicapped, Inc. (“Patent Owner”) in this *Inter Partes* Review proceeding. Lead counsel on behalf of Patent Owner is Daniel J. Melman, who is registered to practice before the United States Patent and Trademark Office and holds Registration No. 55,451. Backup counsel in this proceeding is Theodore Y. McDonough, who is registered to practice before the United States Patent and Trademark Office and holds Registration No. Reg. No. 71,981.

2. I am an experienced litigating attorney, with over 40 years of experience in complex litigation. I have tried numerous cases in federal and state courts, and have argued cases at both the federal and state appellate court levels. Over the past 20+ years, I have developed particular experience in patent litigation matters. I have represented clients in matters before the Patent Trial and Appeal Board, the United States Court of Appeals for the Federal Circuit, and various United States district courts.

3. I currently represent the Patent Owner in patent infringement litigation pending in the Federal District of Delaware, captioned *Cambria County Association for the Blind and Handicapped, Inc. v. Affordable Wire Management, LLC*, No. 1:23-cv-00080 (D. Del.). See Patent Owner’s Mandatory Notices

(IPR2024-00139, Paper No. 6). I am familiar with both the legal and technical subject matter of this IPR proceeding. I have reviewed and analyzed the Petition for *Inter Partes* Review of U.S. Pat. No. 10,177,551 (“the ‘551 Patent”), as well as the exhibits submitted by Petitioner in support of its Petition. I have also discussed and analyzed the technology of the ‘551 Patent with the client, as well as with outside consultants and experts. Working closely with Mr. Melman and Mr. McDonough, I will be substantially involved in preparing Patent Owner’s Preliminary Response and, if necessary, Patent Owner’s Response, working with Patent Owner’s expert in the preparation of the expert’s supporting declarations, and will be involved in any depositions and trial that may occur in this proceeding. The client desires, and has a need, to be represented in these proceedings by a litigation attorney with my level of experience.

4. I am a member in good standing of the Bar of the Commonwealth of Pennsylvania, as well as the U.S. District Court for the Western District of Pennsylvania, the U.S. Court of Appeals for the Third Circuit, the U.S. Court of Federal Claims, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Supreme Court.

5. I have never been suspended or disbarred from practice before any court or administrative body.

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

7. I have never been sanctioned or cited for contempt by any court or administrative body.

8. I have read and will comply with the Office Patent Trial Practice Guide, the Trial Practice Guide updates, and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R.

9. 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).

10. While I have appeared *pro hac vice* in numerous IPR proceedings in the past, I have not applied to appear *pro hac vice* before the Office in any matter in the last three years.<sup>1</sup>

11. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false

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<sup>1</sup> I am contemporaneously herewith filing *pro hac vice* motions in two other IPR proceedings, IPR2024-00178 and IPR2024-00182, that Petitioner in the present proceeding has filed challenging the claims of U.S. Pat. No. 11,349,291. *See* Patent Owner's Mandatory Notices (Paper No. 6).

statements and the like so made are punishable by fine or imprisonment, or both,  
under Section 1001 of Title 18 of the United States Code.

Dated: December 8, 2023

/ Edward C. Flynn /

Edward C. Flynn

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 8th day of December, 2023, a true and correct copy of the foregoing **PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF EDWARD C. FLYNN UNDER 37 C.F.R. § 42.10(c)** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

Serge Subach (Reg. No. 74,652)  
SSubach@mintz.com; CAB\_AWM@mintz.com  
Williams S. Dixon (Reg. No. 78,346)  
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Dated: December 8, 2023

/ Daniel J. Melman /  
Daniel J. Melman (Reg. No. 55,451)