UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PLR WORLDWIDE SALES LIMITED
Petitioner,

v.

FLIP PHONE GAMES INC.,
Patent Owner.

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Case IPR2024-00171
U.S. Patent No. 10,617,958

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PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF RACHAEL MCCRACKEN UNDER 37 C.F.R. § 42.10(c)

Petitioner PLR Worldwide Sales Limited respectfully requests that the Board recognize Rachael McCracken as counsel *pro hac vice* during the above-captioned proceeding.

A. Background

This Motion for Admission is being filed in compliance with and pursuant to the "Order-Authorizing Motion for Pro Hac Vice Admission" in *Unified Patents v. Parallel Iron*, Case No. IPR2013-00639, Paper 7 (Oct. 15, 2013) (the "Order") and the Board's authorization provided in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response issued in the above captioned proceedings.

B. Statement of Facts Showing Good Cause

Petitioner has been authorized to file motions seeking admission *pro hac vice* under 37 C.F.R. § 42.10(c) pursuant to the Notice of Filing Date Accorded to Petition in the above captioned proceeding. Petitioner's lead counsel is a registered practitioner, James M. Glass, Reg. No. 46,729.

As demonstrated below and in the declaration attached to this motion, there is good cause for the Board to recognize Ms. McCracken *pro hac vice*.

Ms. McCracken has been practicing law for at least 17 years, with significant experience in patent litigation. Ms. McCracken is duly authorized to practice law in the State of California and is a member in good standing of the California bar.

Furthermore, Ms. McCracken has established familiarity with the subject matter at issue in this proceeding, including the patent-at-issue in the above-captioned proceeding, the corresponding petition and prior art asserted, the Board's Institution Decision, the parties' post-institution briefing, as well as all exhibits and all other documents filed. Ms. McCracken is also counsel of record on behalf of Petitioner in the related district court litigation, *Flip Phone Games, Inc. v. PLR Worldwide Sales Limited*, 2:23-cv-00139-JRG (E.D. Tex.), which involves the patent at issue, and has had significant involvement.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Rachael McCracken as counsel *pro hac vice* during this proceeding.

Petitioner has conferred with Patent Owner and Patent Owner does not oppose this motion.

C. Declaration of Individuals Seeking to Appear

This Motion for Admission *Pro Hac Vice* is accompanied by the Declaration of Rachael McCracken as required by the Order.

Date: January 20, 2025

/s/ James M. Glass
James M. Glass
(Reg. No. 46,729)

CERTIFICATE OF SERVICE

I certify that on January 20, 2025, I am causing a copy of the foregoing document to be served upon the following lead and backup counsel for Patent Owner via electronic mail:

mmorlock@kilpatricktownsend.com
jlee@kilpatricktownsend.com
arinehart@kilpatricktownsend.com
kkoballa@kilpatricktownsend.com

Respectfully submitted,

By: */s/James M. Glass*

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Counsel for Petitioner

DECLARATION OF RACHAEL MCCRACKEN IN SUPPORT OF PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION

I, Rachael McCracken, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the Bar of the State of California.

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

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

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

5. 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.

6. 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).

7. I have 17 years of litigation experience, including representing a wide range of clients in complex intellectual property and commercial litigations.

8. I have worked with lead counsel in most aspects of his participation in these proceedings. As such, I have reviewed and am familiar with (i) the patent at issue in this proceeding; (ii) the prior art relied upon by Petitioner; (iii) the legal and

factual arguments made by Petitioner in both its Petition for *inter partes* review and in the supporting declaration of Dr. Zagal; (iv) the Board's Decision Granting Institution; and (v) the legal and factual arguments addressed by the parties' post-institution briefing. I am also centrally involved in and am counsel of record for Petitioner in the district court litigation involving the same patent, *Flip Phone Games, Inc. v. PLR Worldwide Sales Limited*, 2:23-cv-00139-JRG (E.D. Tex.).

9. I hereby 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 are made with knowledge that willful false 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.

Date: January 20, 2025

/s/ Rachael McCracken
Rachael McCracken