Paper 9
Filed: March 20, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AT&T MOBILITY LLC, AT&T SERVICES INC., ERICSSON INC., NOKIA OF AMERICA CORPORATION, AND T-MOBILE USA, INC.,
PETITIONERS,

v.

DAINGEAN TECHNOLOGIES LTD.,
PATENT OWNER.

CASE IPR2024-00402
PATENT 10,841,958

PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE* OF MICHAEL MCBRIDE

37 C.F.R. § 42.10(C)

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CURRENT EXHIBIT LIST

No.	Brief Description
2001	Declaration of Mr. Michael McBride in Support of Patent Owner's Motion for Admission *Pro Hac Vice* of Michael McBride

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner requests that the Board admit Michael McBride *pro hac vice* in this proceeding to serve as back-up counsel.

II. FULL STATEMENT OF THE REASONS FOR THE RELIEF REQUESTED

A. The Governing Law, Rules, and Precedent

The governing rule regarding *pro hac vice* motions states:

> 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.

37 C.F.R. § 42.10(c)

B. Detailed Explanation of the Significance of the Evidence Including Material Facts

As evidenced by the attached Declaration of Michael McBride in support of this motion, the material facts are as follows.

1. Lead counsel, R. Allan Bullwinkel, is a registered practitioner (Reg. No. 77,630).

2. Michael McBride is a Partner at the firm of Alavi & Anaipakos, PLLC and has been in the private practice of patent litigation for more than 15 years. Ex. 2001 ¶2. He has an established familiarity with the legal issues involved in these proceedings based on his years of experience litigating patents. *Id.*

3. Mr. McBride is a member in good standing of the State Bar of Texas. *Id.* ¶3.

4. Mr. McBride is concurrently applying to appear *pro hac vice* before the Office in IPR2024-00510 concerning U.S. Patent No. 10,484,976. *Id.* ¶4. He has not applied to appear *pro hac vice* in any other proceedings before the Office in the last three years. *Id.*

5. Mr. McBride is familiar with the subject matter and Petition at issue in this proceeding, including the patent, its prosecution history, and the identified references. *Id.* ¶5. He represents Patent Owner in the following cases, which are related to and involve the same patent-at-issue in this proceeding. *Id.*

    a. *Daingean Technologies Ltd. v. AT&T Inc. et al.*, No. 2:23-cv-00123 (E.D. Tex. filed Mar. 24, 2023).

    b. *Daingean Technologies Ltd. v. T-Mobile USA, Inc. et al.*, No. 2:23-cv-00347 (E.D. Tex. filed July 24, 2023).

6. Mr. McBride has not been suspended or disbarred from practice before

any court or administrative body. *Id.* ¶6. He has never had an application for admission to practice before any court or administrative body denied. *Id.* ¶7. No sanction or contempt citation has been imposed against him by any court or administrative body. *Id.* ¶8.

7. Mr. McBride has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R. *Id.* ¶9. He further agrees to be subject to the United States Patent and Trademark Office 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). *Id.* ¶10.

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

Patent Owner has already filed a Power of Attorney including Mr. McBride in accordance with 37 C.F.R. § 42.10(b). Paper 7. Patent Owner has also filed Mandatory Notices identifying Mr. McBride as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 6.

Patent Owner submits that the above evidence establishes Mr. McBride has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for

admission such that good cause exists for the Board to recognize Miachel McBride *pro hac vice* as backup counsel in this proceeding.

III. CONCLUSION

Patent Owner respectfully requests that the Board admit Michael McBride *pro hac vice* in this proceeding.

Dated: March 20, 2024

Respectfully submitted,

/R. Allan Bullwinkel/

R. Allan Bullwinkel (Reg. No. 77,630)

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CERTIFICATE OF SERVICE

The undersigned certifies that on the twentieth day of March, 2024, a complete and entire copy of the foregoing "PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE* OF MICHAEL MCBRIDE," including exhibits, if any, was served on the following counsel of record via email per Petitioners' consent to electronic service, see Paper 2 at 1:

Petitioners' Distribution List	ATT_Daingean@mckoolsmith.com.
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Dated: March 20, 2024

/R. Allan Bullwinkel/
R. Allan Bullwinkel (Reg. No. 77,630)

Counsel for Patent Owner,
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