

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cox Communications, Inc.

Petitioner

v.

Entropic Communications, LLC.

Patent Owner

Inter Partes Review No.

IPR2024-00578

Patent No. 9,825,826

Filing Date: November 23, 2015

Issue Date: November 21, 2017

**UNOPPOSED MOTION FOR GAIL D. JEFFERSON TO APPEAR PRO
HAC VICE ON BEHALF OF PETITIONER COX COMMUNICATIONS,
INC.**

LIST OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 9,825,826
1002	Prosecution History of U.S. Patent No. 9,825,826
1003	Declaration of Dr. James Martin
1004	Curriculum Vitae of Dr. James Martin
1005	U.S. Patent No. 8,649,421 to Renken, et al.
1006	U.S. Patent No. 5,808,671 to Maycock, et al,
1007	U.S. Patent Publication No. 2010/0253557 to Kidambi
1008	U.S. Patent No. 7,394,871 to Zhang, et al.
1009	<i>Entropic Communications, LLC v. Charter Communications, Inc. et al</i> , No. 2-22-cv-00125 (E.D. TX. June 26, 2023) – Markman Order
1010	U.S. Provisional Application No. 61/444,611 to Renken, et al.
1011	<i>Entropic Communications, LLC v. Cox Communications</i> , No. 2:23-cv-01049-JWH-KES (C.D. CA. Feb. 15, 2023) – Return of Service (Dkt. 15)
1012	<i>Entropic Communications, LLC v. Cox Communications</i> , No. 2:23-cv-01049-JWH-KES (C.D. CA. Aug. 12, 2023) – Claim Construction Scheduling Order (Dkt. 75)
1013	Director Vidal Memorandum re: <i>Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation</i> , June 22, 2022
1014	Declaration of Gail D. Jefferson in Support of Unopposed Motion for <i>Pro Hac Vice</i> Admission

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Cox Communications, Inc (“Petitioner”) respectfully requests that the Board admit Gail D. Jefferson *pro hac vice* in this proceeding as Back-Up Counsel. Petitioner met and conferred with Patent Owner, and Patent Owner does not oppose this motion.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c), 37 C.F.R., provides that:

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.

The Board has further required that a motion for *pro hac vice* admission be filed in accordance with the “Order - Authorizing Motion for *Pro Hac Vice* Admission” entered in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013) (“Unified Patents Order”).

The Unified Patents Order requires that such motions: (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding[;]” and (2) “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:”

- i. Membership in good standing of the Bar of at least one State or the

District of Columbia;

ii. No suspensions or disbarments from practice before any court or administrative body;

iii. No application for admission to practice before any court or administrative body ever denied;

iv. No sanctions or contempt citations imposed by any court or administrative body;

v. The individual seeking to appear has 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.;

vi. The individual will be subject to the U.S.P.T.O. 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);

vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and

viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Gail D. Jefferson, submitted herewith as Exhibit 1014, Petitioners request the *pro hac vice* admission of Gail D. Jefferson in this proceeding:

1. Petitioners' lead counsel, John C. Alemanni (the undersigned) is a registered practitioner (Reg. No. 47,384).

2. Gail D. Jefferson is an associate at the law firm of Kilpatrick Townsend & Stockton LLP. Ex. 1014 ¶ 8.

3. Gail D. Jefferson's practice with Kilpatrick Townsend & Stockton LLP has consisted almost exclusively of patent litigations and other patent related matters. *Id.* ¶ 9. Recent patent litigations where Gail D. Jefferson has been actively involved as patent litigation counsel include:

- *Medshape, Inc. et al v. Arthrex, Inc. et al*, No. 6-24-cv-00151 (W.D. Tex. filed Mar. 22, 2024)
- *Hisense USA Corporation v. Brightplus Ventures LLC*, No. 1-22-cv-02774 (N.D. GA filed Jul. 14, 2022)
- *Lionra Technologies Limited v. Apple Inc.*, No. 6-22-cv-00351 (W. D. Tex, Apr. 1, 2022)

4. Gail D. Jefferson's experience in post-grant patent proceedings includes drafting and reviewing IPR petitions and other briefing, on behalf of both petitioners and patent owners. *Id.* ¶ 10.

5. Gail D. Jefferson has a deep familiarity with the subject matter at issue in this proceeding. *Id.* ¶ 12. Gail D. Jefferson was also significantly involved in the invalidity investigation, communication with the expert, and drafting of the

petition in this proceeding. As such Gail D. Jefferson is intimately familiar with the Patent-at-Issue. *Id.* Gail D. Jefferson is also very familiar with the Petition, subsequent briefing, and the relevant art in this matter. *Id.*

6. Gail D. Jefferson is a member in good standing of the State Bar of California. *Id.* ¶¶ 1-2.

7. Gail D. Jefferson has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 3.

8. No application of Gail D. Jefferson for admission to practice before any court or administrative body has ever been denied. *Id.* ¶ 4.

9. No sanctions or contempt citations have ever been imposed against Gail D. Jefferson by any court or administrative body. *Id.* ¶ 5.

10. Gail D. Jefferson has 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. Ex. 1014 ¶ 6.

11. Gail D. Jefferson understands that she will be subject to the U.S.P.T.O. 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). Ex. 1014 ¶ 7.

12. Gail D. Jefferson has not previously applied to appear *pro hac vice* before the U.S.P.T.O.

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF GAIL D. JEFFERSON.

The Board may recognize counsel *pro hac vice* 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. 37 C.F.R. § 42.10(c).

The facts outlined above in the Statement of Facts, and contained in the Declaration of Gail D. Jefferson (Ex. 1014), establish that there is good cause to admit Gail D. Jefferson *pro hac vice* in this proceeding. Petitioners lead counsel is a registered practitioner. Gail D. Jefferson has experience in various patent litigations. Gail D. Jefferson also has an established familiarity with the subject matter at issue, including the patent, petition, and references.

V. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Petitioners respectfully requests that the Board admit Gail D. Jefferson *pro hac vice* in this proceeding.

Dated: July 1, 2024

Respectfully submitted,

/John C. Alemanni/

John C. Alemanni

Reg. No. 47,384

Lead Counsel for Petitioners

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date below a copy of this
UNOPPOSED MOTION FOR GAIL D. JEFFERSON TO APPEAR *PRO*
***HAC VICE* ON BEHALF OF PETITIONER COX COMMUNICATIONS,**
INC. together with Exhibit 1014, were served on Patent Owner by filing through
the P-TACTS System, as well as by delivering a copy via electronic mail to the
following:

K&L GATES LLP

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Dated: July 1, 2024

Respectfully submitted,

/John C. Alemanni/

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