UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,

Petitioner

v.

ADAPTIVE SPECTRUM AND SIGNAL ALIGNMENT, INC.,

Patent Owner

Case No. IPR2024-01379

U.S. Patent No. 7,809,996 B2

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITIONER CHARTER COMMUNICATIONS, INC.'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF JOSEPH DRAYTON UNDER 37 C.F.R. § 42.10

List of Exhibits

Exhibit No.	Description of Document
1020	Declaration of Joseph Drayton in Support of Motion for *Pro Hac Vice* Admission

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Charter Communications, Inc. ("Petitioner") respectfully requests that the Board admit Joseph Drayton *pro hac vice* in this proceeding as back-up counsel. Petitioner has 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 (PTAB Oct. 15, 2013) ("*United Patents* Order").

The United 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 Joseph Drayton submitted herewith as Exhibit 1020, Petitioner requests the *pro hac vice* admission of Joseph Drayton in this proceeding:

1. Patent Owner's lead counsel, Erik B. Milch (the undersigned) is a registered practitioner (Reg. No. 42,887).

2. Mr. Drayton is a partner at the law firm of Proskauer Rose LLP. Ex. 1020 ¶ 8.

3. Mr. Drayton is an experienced litigator, and a part of his practice has consisted of patent litigation and other patent related matters such as PTAB litigations. Ex. 1020 ¶ 9.

4. A noncomprehensive list of representative patent litigations where Mr. Drayton has been actively involved as patent litigation counsel include:

- *WAG Acquisition, L.L.C. v. Google LLC*, No. 3-22-cv-05772 (N.D. Cal.)
- *Trackthings LLC v. Netgear, Inc.*, No. 1-22-cv-00981 (D. Del.)
- *Uniloc 2017 LLC v. Google LLC*, No. 2-18-cv-00495 (E.D. Tex.)
- *Match Group, LLC v. Bumble Trading Inc.*, No. 6-18-cv-00080 (W.D. Tex.)

- *RSB Spine, LLC v. DePuy Synthes Sales, Inc.*, No. 1-19-cv-01515 (D. Del.)

Ex. 1020, ¶ 9.

5. Mr. Drayton's experience in post-grant patent proceedings includes drafting Petitions, Petitioner's responses and taking depositions. Ex. 1020 ¶ 10. Representative matters where Mr. Drayton is or was actively involved include:

- *Google LLC f/k/a Google Inc. v. WAG Acquisition, LLC*, IPR2022-01411 (PTAB)
- *Bumble Trading, LLC v. KinectUs LLC*, IPR2021-01014 (PTAB)
- *Apple Inc. et al. v. Global Touch Solutions, LLC*, IPR2015-01171 (PTAB)
- *EMC Corp. v. ACQIS LLC*, IPR2014-01469 (PTAB)

Ex. 1020 ¶ 10.

6. Mr. Drayton has an established familiarity with the subject matter at issue in this proceeding. Ex. 1020 ¶ 12. Mr. Drayton has reviewed the Patent at issue as well as the Petition and the relevant art. Ex. 1020 ¶ 12.

7. Mr. Drayton is a member in good standing of the State Bar of Maryland, New York and the District of Columbia. Ex. 1020 ¶¶ 1-2.

8. Mr. Drayton has never been suspended or disbarred from practice before any court or administrative body. Ex. 1020 ¶ 3.

9. No application of Mr. Drayton for admission to practice before any court or administrative body has ever been denied. Ex. 1020 ¶ 4.

10. No sanctions or contempt citations have ever been imposed against Mr. Drayton by any court or administrative body. Ex. 1020 ¶ 5.

11. Mr. Drayton 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. 1020 ¶ 6.

12. Mr. Drayton understands that he 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. 1020 ¶ 7.

13. Mr. Drayton has previously been admitted to appear, *pro hac vice*, in the following matters before the U.S.P.T.O:

- *Bumble Trading, LLC v. KinectUs LLC*, IPR2021-01014 (PTAB)
- *Bumble Trading, LLC v. KinectUs LLC*, IPR2021-00900 (PTAB)
- *Bumble Trading, LLC v. KinectUs LLC*, IPR2021-00901 (PTAB)
- *Bumble Trading, LLC v. KinectUs LLC*, IPR2021-00765 (PTAB)
- *Bumble Trading, LLC v. KinectUs LLC*, IPR2021-00766 (PTAB)
- *Bumble Trading, LLC v. KinectUs LLC*, IPR2021-00763 (PTAB)
- *Bumble Trading, LLC v. KinectUs LLC*, IPR2021-00764 (PTAB)

Ex. 1020 ¶ 11.

IV. GOOD CAUSE EXISTS FOR THE PRO HAC VICE ADMISSION OF JOSEPH DRAYTON

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 Joseph Drayton (Ex. 1020), establish that there is good cause to admit Mr. Drayton *pro hac vice* in this proceeding.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Mr. Drayton *pro hac vice* in this proceeding.

Respectfully submitted,

/Erik B. Milch/ Dated: March 10, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2025, I caused a copy of the foregoing PETITIONER CHARTER COMMUNICATIONS, INC.'S UNOPPOSED MOTION FOR PRO HAC VICE ADMISSION OF JOSEPH DRAYTON UNDER 37 C.F.R. § 42.10 and associated Exhibit 1020 to be served on the following Patent Owner attorneys of record via electronic mail:

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