

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Docket No.: 10 Civ. 7415 (PAC)

WPIX, INC., WNET.ORG, AMERICAN BROADCASTING COMPANIES, INC., DISNEY ENTERPRISES, INC., CBS BROADCASTING INC., CBS STUDIOS INC., THE CW TELEVISION STATIONS INC., NBC UNIVERSAL, INC., NBC STUDIOS, INC., UNIVERSAL NETWORK TELEVISION, LLC, TELEMUNDO NETOWRK GROUP LLC, NBC TELEMUNDO LICENSE COMPANY, OFFICE OF THE COMMISSIONER OF BASEBALL, MLB ADVANCED MEDIA, L.P., COX MEDIA GROUP, INC., FISHER BROADCASTING-SEATTLE TV, L.L.C., TWENTIETH CENTURY FOX FILM CORPORATION, FOX TELEVISION STATIONS, INC., TRIBUNE TELEVISION HOLDINGS, INC., TRIBUNE TELEVISION NORTHWEST, INC., UNIVISION TELEVISION GROUP, INC., THE UNIVISION NETWORK LIMITED PARTNERSHIP, TELEFUTURA NETWORK, WGBH EDUCATIONAL FOUNDATION, THIRTEEN, and PUBLIC BROADCASTING SERVICE,

Plaintiffs,

- against -

IVI, INC. and TODD WEAVER,

Defendants.

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**NOTICE OF MOTION TO  
ADMIT COUNSEL PRO HAC  
VICE**

OCT 08 2010

RECEIVED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
OCT 13 2010

952116-256776

**PURSUANT TO RULE 1.3(c)** of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, the undersigned, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of the following attorneys,

**ORIGINAL**

Applicant's Name: Lawrence D. Graham  
Firm Name: Black Lowe & Graham, PLLC  
Address: 701 Fifth Avenue, Suite 4800  
City/State/Zip: Seattle, Washington 98104  
Phone Number: (206) 381-3300  
Facsimile: (206) 381-3301  
E-Mail: [graham@blacklaw.com](mailto:graham@blacklaw.com)

-and-

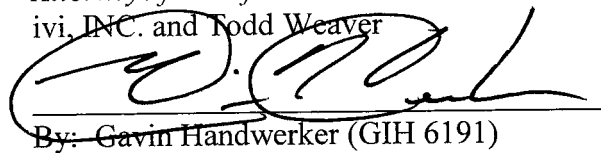
Applicant's Name: Ellen M. Bierman  
Firm Name: Black Lowe & Graham, PLLC  
Address: 701 Fifth Avenue, Suite 4800  
City/State/Zip: Seattle, Washington 98104  
Phone Number: (206) 381-3300  
Facsimile: (206) 381-3301  
E-Mail: [bierman@blacklaw.com](mailto:bierman@blacklaw.com)

Lawrence D. Graham is a member in good standing of the Bar of the State of Washington. There are no pending disciplinary proceedings against Mr. Graham in any state or federal court.

Ellen M. Bierman is a member in good standing of the Bar of the State of Washington. There are no pending disciplinary proceedings against Ms. Bierman in any state or federal court.

Dated: Union, New Jersey  
October 5, 2010

NISSENBAUM LAW GROUP, LLC  
*Attorneys for Defendants*  
ivi, INC. and Todd Weaver



By: Gavin Handwerker (GIH 6191)  
2400 Morris Avenue, 3rd Floor  
Union, New Jersey 07083  
Telephone: (908) 686-8000  
Facsimile: (908) 686-8550  
E-mail: [gih@gdnlaw.com](mailto:gih@gdnlaw.com)

**AFFIRMATION OF SERVICE**

GAVIN I. HANDWERKER, an attorney duly admitted to practice law in the Courts of the State of New York affirms the following to be true under the penalties of perjury:

That on October 7, 2010, I served the within NOTICE OF MOTION and AFFIRMATION WITH EXHIBITS, in the following manner:

\_\_\_\_\_ By depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and control of the United States Postal Service addressed to each of the persons listed below at the last known address set forth after each name;

\_\_\_\_\_ By delivering a true copy thereof personally to each person listed below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein, or their attorney authorized to accept service;

\_\_\_\_\_ By transmitting the papers by electronic means to the telephone/FAX number listed below, which number was designated by the attorney/ party for such purpose. I received a signal from the equipment of the attorney/party served indicating that the transmission was received. I also deposited a true copy of the papers, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the attorney/party at the address listed below;

X By depositing a true copy thereof, enclosed in a wrapper addressed as shown below, into the custody of **A FEDERAL EXPRESS COURIER** for overnight delivery, prior to the latest time designated by that service for overnight delivery;

\_\_\_\_\_ By delivering a true copy thereof by electronic means to the email address listed below, which said electronic mail address was designated by the attorney/party for such purpose.

**NAMES/ADDRESSES/FAXES OF PARTIES SERVED**

Peter Zimroth, Esq.  
ARNOLD & PORTER, LLP  
*Attorneys for Plaintiffs*  
399 Park Avenue  
New York, New York 10022  
[Peter.zimroth@aporter.com](mailto:Peter.zimroth@aporter.com)

Dated: Union, New Jersey  
October 7, 2010

  
\_\_\_\_\_  
GAVIN I. HANDWERKER (GIH6191)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WPIX, INC., WNET.ORG, AMERICAN BROADCASTING COMPANIES, INC., DISNEY ENTERPRISES, INC., CBS BROADCASTING INC., CBS STUDIOS INC., THE CW TELEVISION STATIONS INC., NBC UNIVERSAL, INC., NBC STUDIOS, INC., UNIVERSAL NETWORK TELEVISION, LLC, TELEMUNDO NETOWRK GROUP LLC, NBC TELEMUNDO LICENSE COMPANY, OFFICE OF THE COMMISSIONER OF BASEBALL, MLB ADVANCED MEDIA, L.P., COX MEDIA GROUP, INC., FISHER BROADCASTING-SEATTLE TV, L.L.C., TWENTIETH CENTURY FOX FILM CORPORATION, FOX TELEVISION STATIONS, INC., TRIBUNE TELEVISION HOLDINGS, INC., TRIBUNE TELEVISION NORTHWEST, INC., UNIVISION TELEVISION GROUP, INC., THE UNIVISION NETWORK LIMITED PARTNERSHIP, TELEFUTURA NETWORK, WGBH EDUCATIONAL FOUNDATION, THIRTEEN, and PUBLIC BROADCASTING SERVICE,

Plaintiffs,

- against -

IVI, INC. and TODD WEAVER,

Defendants.

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Docket No.: 10 Civ. 7415 (PAC)

**AFFIRMATION OF GAVIN I.  
HANDWERKER IN SUPPORT  
OF MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

GAVIN I. HANDWERKER, an attorney duly admitted to practice law in the Courts of the State of New York affirms the following to be true under the penalties of perjury:

1. I am a principal of Nissenbaum Law Group, LLC, attorneys for Defendants ivi, Inc. and Todd Weaver and, as such, am fully familiar with the facts and circumstances of the within matter.

2. I am a member in good standing of the bars of the State of New York, the State of New Jersey and the Commonwealth of Pennsylvania and was admitted to practice law in the State of New York on February 22, 1999 (September 21, 1999 and February 1, 2008 for New Jersey and Pennsylvania, respectively). I am also admitted to the bar of the United States District Court for the Southern District of New York and am in good standing with this Court.

3. I have personally conferred with Mr. Graham and Ms. Bierman, who are members of the firm Black, Lowe & Graham located in Seattle, Washington. I have found both Mr. Graham and Ms. Bierman to be skilled attorneys and persons of integrity and high moral character. By way of example, both are seasoned patent attorneys and publishers of various scholarly articles. I am also informed that Mr. Graham is an adjunct professor at Seattle University School of Law.

4. They are experienced federal practitioners and familiar with the Federal Rules of Civil Procedure. In that regard, Mr. Graham is admitted to the United States Supreme Court, the U.S. Court of Appeals, Federal Circuit, the U.S. Court of Appeals, Ninth Circuit, U.S. Court of Appeals, Eighth Circuit and the U.S. District Court, Western District of Washington.

5. Ms. Bierman is admitted to the U.S. District Court, Western District of Washington and the U.S. Courts of Appeals for the Federal Circuit.

6. For completeness, I am also informed that Mr. Graham was also recently admitted pro hac vice before this Court in a separate matter, Berall v. Verathon, Inc., Docket Number 10 civ. 05777.

7. Accordingly, I am pleased to move the admission of Mr. Graham and Ms. Bierman, pro hac vice.

8. I respectfully submit a proposed order granting the admission of Lawrence D. Graham and Ellen M. Bierman, pro hac vice, which is annexed hereto and made a part hereof as Exhibit A.<sup>1</sup>

WHEREFORE it is respectfully requested that the motion be granted in its entirety together with such other, further and different relief as the court deems just, equitable and proper under the circumstances.

Dated: Union, New Jersey  
October 5, 2010

NISSENBAUM LAW GROUP, LLC  
*Attorneys for Defendants*  
ivi, INC. and TODD WEAVER



By: Gavin Handwerker (GIH 6191)  
2400 Morris Avenue, 3rd Floor  
Union, New Jersey 07083  
Telephone: (908) 686-8000  
Facsimile: (908) 686-8550  
E-mail: [gih@gdnlaw.com](mailto:gih@gdnlaw.com)

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<sup>1</sup> Certificates of good standing for Mr. Graham and Ms. Bierman, respectively, are annexed hereto and made a part hereof as Exhibits B and C.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WPIX, INC., WNET.ORG, AMERICAN BROADCASTING COMPANIES, INC., DISNEY ENTERPRISES, INC., CBS BROADCASTING INC., CBS STUDIOS INC., THE CW TELEVISION STATIONS INC., NBC UNIVERSAL, INC., NBC STUDIOS, INC., UNIVERSAL NETWORK TELEVISION, LLC, TELEMUNDO NETOWRK GROUP LLC, NBC TELEMUNDO LICENSE COMPANY, OFFICE OF THE COMMISSIONER OF BASEBALL, MLB ADVANCED MEDIA, L.P., COX MEDIA GROUP, INC., FISHER BROADCASTING-SEATTLE TV, L.L.C., TWENTIETH CENTURY FOX FILM CORPORATION, FOX TELEVISION STATIONS, INC., TRIBUNE TELEVISION HOLDINGS, INC., TRIBUNE TELEVISION NORTHWEST, INC., UNIVISION TELEVISION GROUP, INC., THE UNIVISION NETWORK LIMITED PARTNERSHIP, TELEFUTURA NETWORK, WGBH EDUCATIONAL FOUNDATION, THIRTEEN, and PUBLIC BROADCASTING SERVICE,

Plaintiffs,

- against -

IVI, INC. and TODD WEAVER,

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Docket No.: 10 Civ. 7415 (PAC)

**ORDER ADMITTING COUNSEL  
PRO HAC VICE**

**UPON** the motion of Gavin I. Handwerker, Esq., attorney for Defendants ivi, Inc. and Todd Weaver, and said sponsor attorney's affirmation in support;

**IT IS HEREBY ORDERED**, that

Applicant's Name: Lawrence D. Graham  
Firm Name: Black Lowe & Graham, PLLC  
Address: 701 Fifth Avenue, Suite 4800  
City/State/Zip: Seattle, Washington 98104  
Phone Number: (206) 381-3300  
Facsimile: (206) 381-3301  
E-Mail: [graham@blacklaw.com](mailto:graham@blacklaw.com)

-and-

Applicant's Name: Ellen M. Bierman  
Firm Name: Black Lowe & Graham, PLLC  
Address: 701 Fifth Avenue, Suite 4800  
City/State/Zip: Seattle, Washington 98104  
Phone Number: (206) 381-3300  
Facsimile: (206) 381-3301  
E-Mail: [bierman@blacklaw.com](mailto:bierman@blacklaw.com)

are admitted to practice pro hac vice as counsel for Defendants ivi, Inc. and Todd Weaver, in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated:

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**IN THE SUPREME COURT OF THE STATE OF WASHINGTON**

IN THE MATTER OF THE ADMISSION	)	BAR NO.23224
	)	
OF	)	<b>CERTIFICATE OF GOOD</b>
	)	
ELLEN M. BIERMAN	)	<b>STANDING</b>
	)	
TO PRACTICE IN THE COURTS OF THIS STATE	)	
	)	

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I, Ronald R. Carpenter, Clerk of the Supreme Court of the State of Washington, hereby certify

ELLEN M. BIERMAN

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on November 19, 1993, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 4<sup>th</sup> day of October, 2010.

A handwritten signature in black ink, appearing to read "Ronald R. Carpenter". The signature is written over a horizontal line.

Ronald R. Carpenter  
Supreme Court Clerk  
Washington State Supreme Court