

### United States District Court Western District of Washington

Microsoft Corporation

Plaintiff(s)

V.

Motorola, Inc.

Defendant(s)

Case Number \_\_\_\_\_

APPLICATION FOR LEAVE TO APPEAR  
PRO HAC VICE

Pursuant to Local General Rule 2(d) of the United States District Court for the Western District of Washington, \_\_\_\_\_ Brian R. Nester \_\_\_\_\_ hereby applies for permission to appear and participate as counsel in the above entitled action on behalf of the following party or parties:

Microsoft Corporation

The particular need for my appearance and participation is:

I am part of the trial counsel team located out of state.

I, \_\_\_\_\_ Brian R. Nester \_\_\_\_\_ understand that I am charged with knowing and complying with all applicable local rules;

I have not been disbarred or formally censured by a court of record or by a state bar association; and there are not disciplinary proceedings against me.

I declare under penalty of perjury that the foregoing is true and correct.

Date: Oct 1, 2010  
\_\_\_\_\_

Signature of Applicant: s/ Brian R. Nester  
\_\_\_\_\_

Pro Hac Vice Attorney  
Applicant's Name:

Brian R. Nester

Law Firm Name:

Sidley Austin LLP

Street Address 1:

1501 K Street, N.W.

Address Line 2:

City:

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State:

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Zip:

20005

Phone Number w/ Area Code

(202) 736-8017

Bar #

460225

State

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Applicant E-mail Address:

bnester@sidley.com

Secondary E-mail Address:

jlgordon@sidley.com

**STATEMENT OF LOCAL COUNSEL**

I am authorized and will be prepared to handle this matter, including trial, in the event the applicant Brian R. Nester is unable to be present upon any date assigned by the court.

Date:

Oct 1, 2010

Signature of Local Counsel: s/ David E. Killough

Local Counsel's Name:

David E. Killough

Bar #

40185

Law Firm Name:

Microsoft Corporation

Street Address 1:

One Microsoft Way

Address Line 2:

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State:

Washington

Zip:

98052

Phone Number w/ Area  
Code Example: 999-999-9999

425-882-8080



## Electronic Case Filing Agreement

By submitting this form, the undersigned understands and agrees to the following:

1. The CM/ECF system is to be used for filing and reviewing electronic documents, docket sheets, and notices.
2. The password issued to you by the court, combined with your login, serves as your signature under Federal Rule of Civil Procedure 11. Therefore, you are responsible for protecting and securing this password against unauthorized use.
3. If you have any reason to suspect that your password has been compromised in any way, you are responsible for immediately notifying the court. Members of the court's systems staff will assess the risk and advise you accordingly.
4. By signing this Registration Form, you consent to receive notice electronically, and to waive your right to receive notice by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(C), except with regard to service of a complaint and summons. This provision *does* include electronic notice of the entry of an order or judgment.
5. You will continue to access court information via the Western District of Washington's internet site or through the Public Access to Court Electronic Records (PACER) system. You will continue to need a PACER login, in addition to the court-issued password. You can register for PACER at their web site: <http://pacer.psc.uscourts.gov>.
6. By this registration, the undersigned agrees to abide by the rules and regulations in the most recent General Order, the Electronic Filing Procedures developed by the Clerk's Office, and any changes or additions that may be made to such administrative procedures in the future.

s/ Brian R. Nester

Oct 1, 2010

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**Signature** (use an "s/" and type your name)

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**Date Signed**