

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EBAY INC. and PAYPAL, INC.,
Petitioner,

v.

XPRT VENTURES, LLC,
Patent Owner.

Case CBM2017-00024 (Patent 7,610,244 B2)
Case CBM2017-00025 (Patent 7,627,528 B2)
Case CBM2017-00026 (Patent 7,512,563 B2)
Case CBM2017-00027 (Patent 7,483,856 B2)
Case CBM2017-00028 (Patent 7,599,881 B2)
Case CBM2017-00029 (Patent 7,567,937 B2)¹

Before JAMESON LEE, KEVIN F. TURNER, and
MICHAEL R. ZECHER, *Administrative Patent Judges*.

Per Curiam

ORDER
Granting Petitioner's Motion for *Pro Hac Vice*
Admission of Jared Bobrow
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

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I. INTRODUCTION

On February 7, 2017, Petitioner filed a Motion for *Pro Hac Vice* Admission of Jared Bobrow. Paper 6 (“Mot.”).² A Declaration of Jared Bobrow in Support of Petitioner’s Motion for *Pro Hac Vice* Admission was submitted with the Motion. Ex. 1016. Petitioner filed a Power of Attorney including Mr. Bobrow. Paper 2. Patent Owner did not file an opposition. In view of the above, after consideration of the record before us, Petitioner’s Motions are *granted*.

II. DISCUSSION

In accordance with 37 C.F.R. § 42.10(c), we 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. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding.

In this proceeding, lead counsel for Petitioner, Adrian Percer, is a registered practitioner. Petitioner asserts there is good cause for us to recognize Mr. Bobrow *pro hac vice* in this proceeding. Mot. 2–4.

² For purposes of expediency, we refer to the papers and exhibits filed in CBM2017-00024. Petitioner filed substantially identical papers and exhibits in CBM2017-00025, CBM2017-00026, CBM2017-00027, CBM2017-00028, and CBM2017-00029.

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Petitioner's assertions in this regard are supported by the Declaration of Mr. Bobrow. Ex. 1016.

Mr. Bobrow declares that he is a member in good standing with the State Bar of California and was admitted to the California Bar on June 16, 1988. Ex. 1016 ¶ 1. Mr. Bobrow also declares that he is an experienced litigation attorney familiar with the subject matter at issue in these proceedings. *Id.* ¶¶ 8–9. Mr. Bobrow declares that he has never been suspended or disbarred by any court or administrative body (*id.* ¶ 2), has not been denied for admission to practice before any court or administrative body (*id.* ¶ 3), and has not been sanctioned or cited for contempt by any court or administrative body (*id.* ¶ 4).

Mr. Bobrow additionally declares he has read and will comply with the Office Patent Trial Practice Guide and the Board's rules as set for in 37 C.F.R. § 42 (*id.* ¶ 5), and agrees to be subject to the USPTO 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.* ¶ 6).

Mr. Bobrow declares that he is counsel for Petitioner eBay, Inc. and PayPal, Inc. in related district court litigation involving the patents at issue in these proceedings. *Id.* ¶ 9. On this record, we determine that Mr. Bobrow has sufficient legal and technical qualifications to represent Petitioner as back-up counsel in these proceedings. Accordingly, Petitioner has established that there is good cause for the *pro hac vice* admission of

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Mr. Bobrow in this proceedings. Petitioner's Motions for *Pro Hac Vice* Admission of Jarod Bobrow are *granted*.

III. ORDER

Accordingly, it is

ORDERED that Petitioner's Motions for *Pro Hac Vice* Admission of Jarod Bobrow are *granted*, and Mr. Bobrow is authorized to represent Petitioner as back-up counsel in these proceedings only;

FURTHER ORDERED that Petitioner shall continue to have a registered practitioner represent it as lead counsel in these proceedings;

FURTHER ORDERED that Petitioner must file updated mandatory notices identifying Mr. Bobrow as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Bobrow shall comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Bobrow shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), as well as the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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