

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, INC.
Petitioner,

v.

PARALLEL IRON, LLC
Patent Owner

Case IPR2013-00639
Patent 7,197,662

Before SCOTT R. BOALICK, *Vice Chief Administrative Patent Judge*, and SALLY G. LANE, JEFFREY B. ROBERTSON, THOMAS L. GIANNETTI, GRACE KARAFFA OBERMANN, JENNIFER S. BISK, and MIRIAM L. QUINN, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

ORDER
Authorizing Motion for *Pro Hac Vice* Admission
37 C.F.R. § 42.10

On October 2, 2013, a Notice of Filing Date was entered in this proceeding authorizing the parties to file motions for *pro hac vice* admission. Paper 4 (“Notice”). The Notice advised that such motions be filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00010 (MPT), Paper 6, dated October 15, 2012 (“Prior Order”). Notice 2. The Prior Order, however, was issued prior to the publication of the Final Rule adopting new Rules of Professional Conduct. See *Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule*, 78 Fed. Reg. 20180 (Apr. 3, 2013). The Final Rule removes part 10 of title 37, Code of Federal Regulations (C.F.R.), referred to in the Prior Order. Prior Order 4. The changes set forth in the Final Rule including the USPTO Rules of Professional Conduct took effect on May 3, 2013. This order, therefore, updates and supersedes the Prior Order.

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

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 authorizes both parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) as follows:

1. *Time for Filing*

The time for filing *pro hac vice* motions is no sooner than twenty one (21) days after service of the petition, which is the time for filing patent owner

mandatory notices. Parties seeking to oppose a motion for *pro hac vice* admission must file their opposition no later than one week after the filing of the underlying motion. No reply to any opposition shall be filed unless authorized by the Board.

2. *Content of Motion*

A motion for *pro hac vice* admission must:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
- b. Be 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 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);
 - 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.

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- c. Where the affiant or declarant is unable to provide any of the information requested above in part 2(b) or make any of the required statements or representations under oath, the individual should provide a full explanation of the circumstances as part of the affidavit or declaration.

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