

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

MIRA ADVANCED TECHNOLOGY, INC.,
Patent Owner.

Case IPR2017-01052
Patent 8,848,892 B2

Before MINN CHUNG, MICHELLE N. WORMMEESTER, and
KAMRAN JIVANI, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

Decision
Granting Petitioner's Motion for Admission *Pro Hac Vice* of
J. Christopher Carraway
37 C.F.R. § 42.10(c)

Microsoft Corporation (“Petitioner”) filed a Motion requesting *pro hac vice* admission of J. Christopher Carraway in this proceeding in accordance with 37 C.F.R. § 42.10, and provided a Declaration from Mr. Carraway in support of its request. *See* Paper 8; Ex. 1009. Mira Advanced Technology Systems, Inc. (“Patent Owner”) does not oppose the Motion. For the reasons provided below, Petitioner’s Motion is *granted*.

I. DISCUSSION

As set forth in 37 C.F.R. § 42.10(c), 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. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, the Board also requires 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 this proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, slip op. at 3–4 (PTAB Oct. 15, 2013) (Paper 7) (setting forth the requirements for *pro hac vice* admission).

J. Christopher Carraway provides uncontroverted testimony that he:

- i. is a member in good standing of the State Bars of Oregon, Washington, and Montana;
- ii. has not been subject to any suspensions or disbarments from practice before any court or administrative body;

- iii. has never had any application for admission to practice before any court or administrative body denied;
- iv. has not been subject to sanctions or contempt citations imposed by any court or administrative body;
- v. 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. 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. has listed all other proceedings before the Office for which he has applied to appear *pro hac vice* in the last three (3) years; and
- viii. has familiarity with the subject matter at issue in this proceeding.

Lead counsel for Petitioner, Andrew M. Mason, who is registered to practice at the USPTO has provided a statement of facts that J. Christopher Carraway is counsel for Petitioner in related co-pending litigation and is familiar with the subject matter at issue in this proceeding. Paper 8, 2. Thus, Petitioner has shown good cause why J. Christopher Carraway should be recognized *pro hac vice* for purposes of this proceeding. Mr. Carraway has provided the requisite affidavit or declaration. Therefore, J. Christopher Carraway has complied with the requirements for admission *pro hac vice* in this proceeding.

II. ORDER

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion for *pro hac vice* admission of J. Christopher Carraway is *granted*, and Mr. Carraway is authorized to represent Petitioner as back-up counsel in this proceeding only;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in this proceeding;

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

FURTHER ORDERED that J. Christopher Carraway is to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101–11.901.

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