

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ROVI GUIDES, INC.,
Patent Owner.

Cases IPR2017-01065 (Patent 8,046,801 B2)
IPR2017-01066 (Patent 8,046,801 B2)
IPR2017-01143 (Patent 8,046,801 B2)¹

Before JESSICA C. KAISER, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Unopposed Motions for *Pro Hac Vice* Admission of
Mr. Josef B. Schenker
37 C.F.R. § 42.10(c)

¹ This Decision addresses an issue that is identical in all three cases. We, therefore, exercise our discretion to issue one Decision to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

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I. INTRODUCTION

Patent Owner, Rovi Guides, Inc. (“Rovi”), filed a Motion for Admission *Pro Hac Vice* of Mr. Josef B. Schenker in each of the proceedings identified above. Paper 17 (“Mot.”).² Petitioner, Comcast Cable Communications, LLC, does not oppose these Motions. Mot. 3. For the reasons provided below, Rovi’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. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

In these proceedings, lead counsel for Rovi, Mr. Mark D. Rowland, is a registered practitioner. Paper 4, 4. Rovi asserts that there is good cause for us to recognize Mr. Schenker *pro hac vice* in these proceedings. Mot. 2–3. Rovi’s assertions in this regard are supported by a Declaration of Mr. Schenker. Ex. 2012.

² For purposes of expediency, we refer to the papers filed in Case IPR2017-01065. Similar papers were filed in Cases IPR2017-01066 and IPR2017-01143.

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Mr. Schenker declares that he is a member in good standing of the State Bar of New York. Ex. 2012 ¶ 2. Mr. Schenker also declares that he is familiar with the subject matter at issue in these proceedings, and Rovi has requested that he represent it in these proceedings. *Id.* ¶ 10. Moreover, the facts alleged in Mr. Schenker's Declaration comply with all the requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. See Ex. 2014 ¶¶ 1–9; Mot. 2–3.

On this record, we determine that Mr. Schenker has sufficient legal and technical qualifications to represent Rovi in these proceedings. Accordingly, Rovi has established that there is good cause for the *pro hac vice* admission of Mr. Schenker in these proceedings.

III. ORDER

Accordingly, it is

ORDERED that Rovi's Motions for Admission *Pro Hac Vice* of Mr. Josef B. Schenker are GRANTED;

FURTHER ORDERED that Mr. Schenker is authorized to represent Rovi as back-up counsel in these proceedings only;

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

FURTHER ORDERED that Mr. Schenker shall comply with the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

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FURTHER ORDERED that Mr. Schenker 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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