

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVERNOTE CORPORATION,
Petitioner,

v.

TALSK RESEARCH, INC.,
Patent Owner.

Case IPR2017-01154
Patent 7,178,097 B1

Before SALLY C. MEDLEY, KERRY BEGLEY, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

DECISION
Petitioner's Motion for *Pro Hac Vice* Admission
of Robert Frederickson III
37 C.F.R. § 42.10

On October 27, 2017, Petitioner Evernote Corporation filed a motion for Robert Frederickson III to appear *pro hac vice* (Paper 11), which was accompanied by a declaration of Mr. Frederickson in support of the motion (Exhibit 1022, 10/27/2017). During the initial conference call held November 1, 2017, we authorized Petitioner to file a corrected declaration of Mr. Frederickson, and on November 9, 2017, Petitioner filed a corrected declaration (Exhibit 1022, 11/9/2017). Patent Owner Talsk Research, Inc. does not oppose this motion. For the reasons provided below, Evernote's motion is *granted*.

As set forth in 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*, we also require the moving party to provide a statement of facts showing that there is good cause for us to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding.

In the instant proceeding, the lead counsel for Petitioner is Douglas J. Kline, a registered practitioner. *See* Paper 2 at 2. Upon review of Petitioner's Motion and supporting evidence, we determine that Petitioner has demonstrated that Mr. Frederickson has sufficient legal and technical qualifications to represent Petitioner in this proceeding. *See* Paper 11; Ex. 1022, 11/9/2017. We also recognize that Petitioner has a need for Mr. Frederickson to be involved in the proceeding at issue. Accordingly, Petitioner has established that there is good cause for admitting Mr. Frederickson.

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motion for *Pro Hac Vice* Admission of Robert Frederickson III is granted;

FURTHER ORDERED that Mr. Frederickson is authorized to represent Petitioner as back-up counsel in the instant proceeding;

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

FURTHER ORDERED that Mr. Frederickson is to 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 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 *et. seq.*

Case IPR2017-01154
Patent 7,178,097 B1

PETITIONER:

Douglas Kline
Adeel Haroon
GOODWIN PROCTOR LLP
dkline@goodwinprocter.com
aharoon@goodwinprocter.com

PATENT OWNER:

Scott McKeown
Victor Cheung
OBLON, McCLELLAND, MAIER
& NEUSTADT, LLP
cpdocketmckeown@oblon.com
cpdocketcheung@oblon.com