

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASABI LTD.,
Petitioner,

v.

BYTEMARK, INC.,
Patent Owner.

Case IPR2017-01449
Patent 8,494,967 B2

Before JOSIAH C. COCKS, NEIL T. POWELL, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

GROSSMAN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion for Admission
Pro Hac Vice of Dariush Keyhani
37 C.F.R. § 42.10

On February 8, 2018, Patent Owner filed a Motion for admission *pro hac vice* of Dariush Keyhani. Paper 14. Patent Owner also filed a Declaration of Mr. Keyhani in support of the Motion. Ex. 2004. Patent Owner attests that Petitioner does not oppose the Motion. Paper 14, 1. For the reasons provided below, Patent Owner's Motion is *granted*.

Pursuant to 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. In its notice authorizing motions for *pro hac vice* admission, the Board 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* 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")).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Keyhani has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Keyhani has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Patent Owner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Keyhani. Mr. Keyhani will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is:

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Mr. Dariush Keyhani is *granted*;

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

FURTHER ORDERED that Mr. Keyhani is authorized to represent Patent Owner only as back-up counsel in this proceeding;

FURTHER ORDERED that Mr. Keyhani 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;

FURTHER ORDERED that Mr. Keyhani shall 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.*;

FURTHER ORDERED that, within seven (7) business days of the date of this Order, Patent Owner must submit a Power of Attorney for Mr. Keyhani in this proceeding in accordance with 37 C.F.R. § 42.10(b); and

FURTHER ORDERED that Patent Owner shall file an updated Mandatory Notice in this proceeding in accordance with 37 C.F.R. § 42.8(b)(3), identifying Mr. Keyhani as back-up counsel.

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