

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN ZHIYI TECHNOLOGY CO. LTD., D/B/A ILIFE,
Petitioner,

v.

IROBOT CORP.,
Patent Owner.

Case IPR2017-02061
Patent 6,809,490 B2

Before WILLIAM V. SAINDON, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motions for *Pro Hac Vice*
Admission of Stephen M. Ullmer and Nicholas A. Brown
37 C.F.R. § 42.10

Petitioner filed motions requesting *pro hac vice* admission of Stephen M. Ullmer (Paper 15) and Nicholas A. Brown (Paper 17¹). The motions are supported, respectively, by affidavits of Mr. Ullmer (Ex. 1011) and Mr. Brown (Ex. 1012). Petitioner attests that Patent Owner does not oppose the motions. Paper 15, 2; Paper 17, 2. For the reasons set forth below, Petitioner's motions are *granted*.

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. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide 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 the 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 motions and the accompanying affidavits², we conclude that Mr. Ullmer and Mr. Brown have sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Ullmer and Mr. Brown have demonstrated sufficient familiarity with the subject matter of this proceeding, and that Petitioner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for

¹ Petitioner originally filed a duplicate motion for admission *pro hac vice* of Mr. Ullmer captioned as a motion for admission *pro hac vice* of Mr. Brown. Paper 16. Petitioner filed a corrected motion for admission *pro hac vice* of Mr. Brown on June 19, 2018. Paper 17.

² Each affidavit indicates compliance with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of *the* C.F.R., as opposed to part 42 of 37 C.F.R. Ex. 1011 ¶ 8; Ex. 1012 ¶ 8. We deem this harmless error.

pro hac vice admission of Mr. Ullmer and Mr. Brown. Mr. Ullmer and Mr. Brown will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motions for *Pro Hac Vice* admission of Stephen M. Ullmer (Paper 15) and Nicholas A. Brown (Paper 17) are *granted*;

FURTHER ORDERED that within seven (7) business days of the date of this Order, Petitioner shall submit Powers of Attorney for Mr. Ullmer and Mr. Brown, in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Mr. Ullmer and Mr. Brown are authorized to act as back-up counsel in the instant proceeding only;

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Mr. Ullmer and Mr. Brown as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner shall continue to have a registered practitioner represent it as lead counsel for the instant proceeding;

FURTHER ORDERED that Mr. Ullmer shall 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. Ullmer 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 Mr. Brown shall 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

FURTHER ORDERED that Mr. Brown shall be subject to the Office's

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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.*

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