

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

EVERYMD.COM LLC,
Patent Owner.

Cases

IPR2017-02027 (Patent 9,137,192 B2)

IPR2018-00050 (Patent 8,504,631 B2)¹

Before MICHAEL R. ZECHER, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motions for *Pro Hac Vice* Admission of
Mark R. Weinstein
37 C.F.R. § 42.10(c)

¹ This Decision addresses an issue that is identical in both 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

Petitioner, Facebook, Inc. (“Facebook”), filed a Motion for Admission *Pro Hac Vice* of Mr. Mark R. Weinstein in each of the proceedings identified above. Paper 11 (“Mot.”).² Patent Owner, EveryMD.com LLC, did not file any opposition to these Motions. For the reasons provided below, Facebook’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 4, 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 Facebook, Ms. Heidi L. Keefe, is a registered practitioner. Paper 2, 2. Facebook asserts that there is good cause for us to recognize Mr. Weinstein *pro hac vice* in these proceedings. Mot. 1–2. Facebook’s assertions in this regard are supported by a Declaration of Mr. Weinstein. Ex. 1022.

² For purposes of expediency, we refer to the papers filed in Case IPR2017-02027. Similar papers were filed in Case IPR2018-00050.

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Mr. Weinstein declares that he is a member in good standing of the State Bar of California, and that he is admitted to practice before several federal courts. Ex. 1022 ¶ 1. Mr. Weinstein also declares that he is familiar with the subject matter at issue in these proceedings. *Id.* ¶ 8. Moreover, the facts alleged in Mr. Weinstein's Declaration comply with all the requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. See Ex. 1022 ¶¶ 2–7; Mot. 1–2.

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

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Weinstein.

III. ORDER

Accordingly, it is

ORDERED that Facebook's Motions for Admission *Pro Hac Vice* of Mr. Mark R. Weinstein are GRANTED;

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

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

FURTHER ORDERED that Facebook must file within ten (10) business days a Power of Attorney for Mr. Weinstein pursuant to 37 C.F.R.

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§ 42.10, and must file updated Mandatory Notices in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Weinstein 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

FURTHER ORDERED that Mr. Weinstein 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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