

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HUAWEI DEVICE CO., LTD,  
Petitioner,

v.

MAXELL, LTD,  
Patent Owner.

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Case IPR2018-00233  
Patent 6,754,440 B2

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Before MINN CHUNG, TERRENCE W. McMILLIN, and  
JOHN A. HUDALLA, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

ORDER  
Granting Petitioner's Unopposed Motion for Admission  
of Hyun Byun *Pro Hac Vice*  
37 C.F.R. § 42.10

Petitioner filed an Unopposed Motion for *Pro Hac Vice* Admission of Hyun Byun under 37 C.F.R. § 42.10(c). Paper 15 (“Motion” or “Mot.”). The Motion is supported by a Declaration from Mr. Byun. Ex. 1024. Petitioner indicates that Patent Owner does not oppose the Motion. Mot. 1.

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 Motion and the accompanying Declaration, we conclude that Mr. Byun has sufficient legal and technical qualifications to represent Petitioner in these proceedings and that Mr. Byun has demonstrated sufficient familiarity with the subject matter of this proceeding. *See* Ex. 1024 ¶¶ 8–10. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Byun. Mr. Byun will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

It is therefore:

ORDERED that Petitioner’s Motion for *Pro Hac Vice* admission of Hyun Byun is *granted*;

FURTHER ORDERED that Mr. Byun is authorized to represent Petitioner as back-up counsel only in this proceeding, and that Petitioner is to continue to have a registered practitioner represent it as lead counsel;

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

FURTHER ORDERED that Mr. Byun 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

FURTHER ORDERED that Mr. Byun is 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.*

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FOR PETITIONER:

Peter Chen  
David Garr  
Greg Discher  
Anupam Sharma  
COVINGTON & BURLING LLP  
pchen@cov.com  
dgarr@cov.com  
gdischer@cov.com  
asharma@cov.com

FOR PATENT OWNER:

Robert Pluta  
Amanda Bonner  
Saqib Siddiqui  
Bryan Nese  
MAYER BROWN, LLP  
rpluta@mayerbrown.com  
asbonner@mayerbrown.com  
ssidiqui@mayerbrown.com  
bnese@mayerbrown.com