

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUAWEI DEVICE CO., LTD,
Petitioner,

v.

MAXELL, LTD,
Patent Owner.

Case IPR2018-00233
Patent 6,754,440 B2

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

CHUNG, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for Admission
of Jamie B. Beaber *Pro Hac Vice*
37 C.F.R. § 42.10

Patent Owner filed a Motion for *Pro Hac Vice* Admission of Jamie B. Beaber under 37 C.F.R. § 42.10(c). Paper 8 (“Motion”). The Motion is supported by a Declaration from Mr. Beaber. Ex. 2004. Petitioner has not filed an opposition to Patent Owner’s Motion.

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. Beaber has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Beaber has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Patent Owner’s intent to include counsel from the corresponding district court litigation is warranted. *See* Ex. 2004 ¶¶ 8–9. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Beaber. Mr. Beaber will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Patent Owner provides a Power of Attorney for all Practitioners associated with Customer Number 26565. Paper 4. Mr. Beaber, however, is not associated with Customer Number 26565. Accordingly, Patent Owner must submit a Power of Attorney for Mr. Beaber in accordance with

37 C.F.R. § 42.10(b), and must update its mandatory notices as required by 37 C.F.R. § 42.8(b)(3).

It is therefore:

ORDERED that Patent Owner's Motion for *Pro Hac Vice* admission of Jamie B. Beaber is *granted*;

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

FURTHER ORDERED that, within ten (10) business days of the date of this order, Patent Owner must submit a Power of Attorney for Mr. Beaber in accordance with 37 C.F.R. § 42.10(b);

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

FURTHER ORDERED that Mr. Beaber 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. Beaber 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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