

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZSCALER INC.,
Petitioner,

v.

SYMANTEC CORPORATION,
Patent Owner.

Case IPR2018-00916
Patent 7,360,249 B1

Before JEFFREY S. SMITH, BRYAN F. MOORE, and NEIL T. POWELL,
Administrative Patent Judges.

MOORE, *Administrative Patent Judge.*

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

On February 6, 2019, Petitioner filed a motion requesting *pro hac vice* admission of Jared Bobrow. Paper 19 (“Motion”). Petitioner submitted a Declaration from Mr. Bobrow in support of the Motion. Paper 20.¹ Patent Owner has not opposed the 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 7, 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. Bobrow has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Bobrow has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Petitioner’s desire to include counsel from the corresponding district court proceeding is credible. *See* Paper 20 ¶¶ 8–9. Accordingly, Petitioner has established good cause for *pro hac vice*

¹ Petitioner filed the Declaration as a Paper. We deem this to be harmless error, however, Petitioner is reminded that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

admission of Mr. Bobrow. Mr. Bobrow may only be designated as backup counsel.

We note that Petitioner submitted a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) for Mr. Bobrow (Paper 14). We further note that Petitioner submitted an Updated Mandatory Notice (Paper 29) identifying Mr. Bobrow as back-up counsel.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion for *pro hac vice* admission of Jared Bobrow is GRANTED;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but that Mr. Bobrow is authorized to act as back-up counsel;

FURTHER ORDERED that Mr. Bobrow comply with the Office Patent Trial Practice Guide, including the August 2018 Update (83 Fed. Reg. 39,989 (Aug. 13, 2018)) and the July 2019 Update (84 Fed. Reg. 33,925 (July 16, 2019)), 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. Bobrow is 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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