

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MMODAL LLC,  
Petitioner,

v.

NUANCE COMMUNICATIONS, INC.,  
Patent Owner.

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IPR2018-01355 (Patent 7,379,946 B2)  
IPR2018-01431 (Patent 8,117,034 B2)  
IPR2018-01435 (Patent 6,999,933 B2)  
IPR2019-00210 (Patent 9,818,398 B2)  
IPR2019-00306 (Patent 8,738,403 B2)<sup>1</sup>

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Before KEN B. BARRETT, NEIL T. POWELL, and  
CHRISTA P. ZADO, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motions for *Pro Hac Vice* Admission of  
David K. Callahan and Kevin C. Wheeler  
*37 C.F.R. § 42.10*

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<sup>1</sup> This Order applies to all of the captioned cases. The parties are not authorized to use this style heading for any subsequent papers.

IPR2018-01355 (Patent 7,379,946 B2)  
IPR2018-01431 (Patent 8,117,034 B2)  
IPR2018-01435 (Patent 6,999,933 B2)  
IPR2019-00210 (Patent 9,818,398 B2)  
IPR2019-00306 (Patent 8,738,403 B2)

Petitioner MModal LLC filed, in each of the above-captioned cases, an Unopposed Motion for *Pro Hac Vice* Admission of David K. Callahan and an accompanying Declaration. IPR2018-01355, Paper 28, Ex. 1032; IPR2018-01431, Paper 38, Ex. 1022; IPR2018-01435, Paper 40, Ex. 1022; IPR2019-00210, Paper 20, Ex. 1040; IPR2019-00306, Paper 21, Ex. 1032.

Petitioner also filed, in each of the above-captioned cases, an Unopposed Motion for *Pro Hac Vice* Admission of Kevin C. Wheeler and an accompanying Declaration. IPR2018-01355, Paper 29, Ex. 1031; IPR2018-01431, Paper 39, Ex. 1021; IPR2018-01435, Paper 41, Ex. 1021; IPR2019-00210, Paper 22, Ex. 1039; IPR2019-00306, Paper 22, Ex. 1031.

Petitioner represents that it has conferred with Patent Owner Nuance Communications, Inc., and that Patent Owner does not oppose the motions. *E.g.*, IPR2018-01355, Paper 28, 1.

The Board has reviewed the submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Mr. Callahan and Mr. Wheeler *pro hac vice*.

It is, therefore,

ORDERED that Petitioner's Motions for *Pro Hac Vice* Admission of Mr. Callahan and Mr. Wheeler are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceedings, but Mr. Callahan and Mr. Wheeler are authorized to be designated as backup counsel;

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IPR2019-00306 (Patent 8,738,403 B2)

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

FURTHER ORDERED that, within ten (10) business days of the date of this order, Petitioner must submit Powers of Attorney for Mr. Callahan and Mr. Wheeler in accordance with 37 C.F.R. § 42.10(b)

FURTHER ORDERED that Mr. Callahan and Mr. Wheeler are to comply with the Office Patent Trial Practice Guide, as updated by the August 2018 Update, 83 Fed. Reg. 39,989 (Aug. 13, 2018) and as updated by 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 Title 37, Part 42 of the C.F.R., and are subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.*

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