

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., INSTAGRAM, LLC, and WHATSAPP INC.,
Petitioner,

v.

BLACKBERRY LIMITED,
Patent Owner.

IPR2019-00706
(Patent 9,349,120 B2)

Before MICHAEL R. ZECHER, MIRIAM L. QUINN, and
AARON W. MOORE, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Sam Stake
37 C.F.R. § 42.10(c)

Patent Owner filed a Motion for *pro hac vice* admission of Sam Stake in the instant proceeding. Paper 24 ("Motion" or "Mot."). Patent Owner also filed a Declaration of Mr. Stake in support of the Motion. Ex. 2006.

Patent Owner represents that Petitioner does not oppose the Motion. Mot. 2.¹

Pursuant to 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 Motion states that there is good cause for the Board to recognize Mr. Stake as counsel *pro hac vice* because Mr. Stake is an experienced litigation attorney with a significant amount of patent infringement litigation experience, and because Mr. Stake has established familiarity with the subject matter at issue in the instant proceedings. Mot. 2–3; *see also* Ex. 2006 ¶¶ 2, 8. The Motion also indicates that Patent Owner’s lead counsel, James M. Glass, is a registered practitioner. Mot. 2.

Based on the facts stated in the Motion and averred in the Declaration, we conclude that Mr. Stake has sufficient qualifications to represent Patent Owner in the instant proceeding. The Motion is hereby granted, and Mr. Stake will be permitted to appear *pro hac vice* the instant proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a power of attorney for Mr. Stake. Paper 22. Additionally, Patent Owner’s mandatory notices have been updated to include Mr. Stake. Paper 23.

¹ Patent Owner’s Motion does not include page numbers. For convenience, we refer herein to the pages of the Motion as if numbered consecutively beginning with the cover page as page 1.

ORDER

Accordingly, it is

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Sam Stake in the instant proceeding is *granted*;

FURTHER ORDERED that Mr. Stake is authorized to represent Patent Owner only as back-up counsel in the instant proceeding;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the instant proceeding;

FURTHER ORDERED that Mr. Stake is to comply with the Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 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. Stake 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.*

IPR2019-00706
Patent 9,349,120 B2

PETITIONER:

Heidi L. Keefe
Andrew C. Mace
Mark R. Weinstein
COOLEY LLP
hkeefe@cooley.com
amace@cooley.com
mweinstein@cooley.com

FOR PATENT OWNER:

James M. Glass
Ognjen Zivojnovic
Sam Stake
Alex Wolinsky
QUINN EMANUEL URQUHART & SULLIVAN LLP
jimglass@quinnemanuel.com
ogzivojnovic@quinnemanuel.com
samstake@quinnemanuel.com
alexwolinsky@quinnemanuel.com