

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.

Case IPR2019-00516
Case IPR2019-00528
Case IPR2019-00899
Patent 8,279,173 B2

Case IPR2019-00706
Patent 9,349,120 B2¹

Before MICHAEL R. ZECHER, MIRIAM L. QUINN, ROBERT L. KINDER, JACQUELINE T. HARLOW, and AARON W. MOORE,
Administrative Patent Judges.

MOORE, *Administrative Patent Judge.*

¹ In IPR2019-00937, Snap Inc. filed a petition and a motion for joinder to IPR2019-00899, both of which have been granted. Therefore, Snap Inc. has been joined as a petitioner in IPR2019-00899. This Order addresses an issue common to the identified proceedings. We exercise our discretion to issue one Order. The parties are not authorized to use this style heading.

IPR2019-00516 (Patent 8,279,173 B2)
IPR2019-00528 (Patent 8,279,173 B2)
IPR2019-00706 (Patent 9,349,120 B2)
IPR2019-00899 (Patent 8,301,713 B2)

ORDER²
Granting Petitioner's Unopposed Motions
for *Pro Hac Vice* Admission of Mark R. Weinstein
37 C.F.R. § 42.10(c)

On October 16, 2019, Petitioner filed motions requesting *pro hac vice* admission of Mark R. Weinstein. Paper 18 (“Motions”).³ Petitioner submitted declarations from Mr. Weinstein in support of the Motions. Ex. 1029 (“Declarations”). Patent Owner has not opposed the Motions.

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 Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Weinstein has sufficient legal and technical qualifications to represent Petitioner in the above-identified

² This is not a decision by an expanded panel of the Board. Judges Moore and Quinn are paneled in IPR2019-00706, IPR2019-00899, IPR2019-00516, and IPR2019-00528. Judge Harlow is paneled in IPR2019-00516 and IPR2019-00528. Judge Zecher is paneled in IPR2019-00706. Judge Kinder is paneled in IPR2019-00899.

³ We cite to documents filed in IPR2019-00899. Similar documents were filed in IPR2019-00516, IPR2019-00528, and IPR2019-00706.

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proceedings, that Mr. Weinstein has demonstrated sufficient familiarity with the subject matter, and that Petitioner's desire to include counsel from the corresponding district court proceedings is reasonable. Accordingly, we conclude that Petitioner has established good cause for *pro hac vice* admission of Mr. Weinstein.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Mark R. Weinstein are *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings, and that Mr. Weinstein is authorized to act only as back-up counsel;

FURTHER ORDERED that Mr. Weinstein 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. Weinstein 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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