

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

IPR2020-00235 (Patent 10,091,734 B2)
IPR2020-00236 (Patent 9,369,539 B2)
IPR2020-00255 (Patent 9,516,127 B2)
IPR2020-00285 (Patent 10,039,029 B2)¹

Before THU A. DANG, KARL D. EASTHOM, and JONI Y. CHANG,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

ORDER
Granting Petitioner's Motions for Admission
Pro Hac Vice of Jonathan Bright
37 C.F.R. § 42.10

¹ This Order applies to all of the above-identified proceedings.

IPR2020-00235 (Patent 10,091,734 B2)
IPR2020-00236 (Patent 9,369,539 B2)
IPR2020-00255 (Patent 9,516.127 B2)
IPR2020-00285 (Patent 10,039,029 B2)

On September 15, 2020, Petitioner filed motions for admission *pro hac vice* of Jonathan Bright in each of the above-identified proceedings (collectively “Motions”). Paper 13.² Petitioner also filed declarations of Mr. Bright in support of the Motions (collectively “Declarations”). Ex. 1054.³ Petitioner states that Patent Owner does not oppose the Motions. Paper 13, 1. For the reasons provided below, Petitioner’s Motions are *granted*.

Pursuant to 37 C.F.R. § 42.10(c), the Board 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. In its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Bright has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Bright

² For purposes of expediency, we cite to Papers filed in IPR2020-00235. Petitioner filed similar Motions in IPR2020-00236 (Paper 16), IPR2020-00255 (Paper 21), and IPR2020-00285 (Paper 18).

³ For purposes of expediency, we cite to Exhibits filed in IPR2020-00235. Petitioner filed similar Declarations in IPR 2020-00236 (Ex. 1046), IPR2020-00255 (Ex. 1054), and IPR2020-00285 (Ex. 1055).

IPR2020-00235 (Patent 10,091,734 B2)
IPR2020-00236 (Patent 9,369,539 B2)
IPR2020-00255 (Patent 9,516,127 B2)
IPR2020-00285 (Patent 10,039,029 B2)

has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Petitioner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Bright. Mr. Bright will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that although Petitioner filed updated Mandatory Notices with the Motions, the updated Mandatory Notices do not identify Mr. Bright as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). *See* IPR2020-00235, Paper 14 and IPR2020-00255, Paper 21.⁴

Accordingly, it is

ORDERED that Petitioner's Motions for *pro hac vice* admission of Mr. Jonathan Bright are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Bright is authorized to represent Petitioner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Bright is to comply with the Office Patent Trial Practice Guide⁵ (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 Regulations⁶;

⁴ No updated Mandatory Notices were filed with IPR2020-00236 and IPR2020-00285.

⁵ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁶ The Declarations state that "I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set

IPR2020-00235 (Patent 10,091,734 B2)
IPR2020-00236 (Patent 9,369,539 B2)
IPR2020-00255 (Patent 9,516.127 B2)
IPR2020-00285 (Patent 10,039,029 B2)

FURTHER ORDERED that Mr. Bright shall 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.*;

FURTHER ORDERED that, within ten (10) business days of the date of this Order, Petitioner must submit Powers of Attorney for Mr. Bright in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b); and

FURTHER ORDERED that Petitioner shall file updated Mandatory Notices in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.8(b)(3), identifying Mr. Bright as back-up counsel.

forth in part 42 of the Code of Federal Regulations.” Ex. 1054 ¶ 5. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of Title 37, Code of Federal Regulations.

IPR2020-00235 (Patent 10,091,734 B2)
IPR2020-00236 (Patent 9,369,539 B2)
IPR2020-00255 (Patent 9,516.127 B2)
IPR2020-00285 (Patent 10,039,029 B2)

For Petitioner:

Walter K. Renner
Jeremy Monaldo
Craig A. Deutsch
FISH & RICHARDSON P.C.
axf-ptab@fr.com
jjm@fr.com
deutsch@fr.com

For Patent Owner:

Kenneth Weatherwax
Bridget Smith
Patrick Maloney
Flavio Rose
Parham Hendifar
Edward Hsieh
Jason Linger
LOWENSTEIN & WEATHERWAX LLP
weatherwax@lowensteinweatherwax.com
smith@lowensteinweatherwax.com
maloney@lowensteinweatherwax.com
rose@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com
hsieh@lowensteinweatherwax.com
linger@lowensteinweatherwax.com