

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMWARE, INC.,
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,
Patent Owner.

IPR2020-00470
Patent 7,949,752 B2

Before THOMAS L. GIANNETTI, JENNIFER MEYER CHAGNON, and
JOHN R. KENNY, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion for *Pro Hac Vice*
Admission of Michael R. Rueckheim
37 C.F.R. § 42.10

VMware, Inc. (“Petitioner”) filed a Motion for *Pro Hac Vice* Admission of Michael R. Rueckheim in the above-listed proceeding (“Motion”). Paper 12 (“Mot.”). Petitioner also filed a declaration from Mr. Rueckheim in support of the Motion (“Declaration”). Ex. 1028. Patent Owner does not oppose the motion. Mot. 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. Good cause may be shown, for example, by establishing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding. 37 C.F.R. § 42.10(c). A motion for *pro hac vice* admission must contain a statement of facts establishing good cause and must be accompanied by an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 at 3–4 (PTAB Oct. 15, 2013) (setting forth the requirements for *pro hac vice* admission).

Petitioner’s lead counsel, Katherine A. Vidal, is a registered practitioner. Mot. 1. Regarding the required showing of good cause, Petitioner asserts that Mr. Rueckheim is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding. *Id.* at 1–2. More specifically, Mr. Rueckheim states that he has “obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding.” Ex. 1028 ¶ 9. Mr. Rueckheim’s Declaration also complies with the other requirements for *pro hac vice* admission. *See id.* ¶¶ 1–7; *Unified Patents*, Paper 7 at 3–4.

Having reviewed Mr. Rueckheim's Declaration, we determine that Petitioner has shown good cause for Mr. Rueckheim's *pro hac vice* admission in this proceeding. Petitioner's Motion is granted.

ORDER

It is:

ORDERED that the Motion for *Pro Hac Vice* Admission of Michael R. Rueckheim is *granted*, and Mr. Rueckheim is authorized to represent Petitioner only as back-up counsel in this proceeding;

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above proceeding;

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

FURTHER ORDERED that Mr. Rueckheim shall 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. Rueckheim is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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