

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,
Petitioner

v.

IMPLICIT, LLC,
Patent Owner

IPR2020-00585 (Patent 8,694,683 B2)
IPR2020-00586 (Patent 9,270,790 B2)
IPR2020-00587 (Patent 9,591,104 B2)
IPR2020-00590 (Patent 10,027,780 B2)
IPR2020-00591 (Patent 10,033,839 B2)
IPR2020-00592 (Patent 10,225,378 B2)¹

Before THOMAS L. GIANNETTI, BARBARA A. PARVIS, SHEILA F.
McSHANE, and NABEEL U. KHAN,
*Administrative Patent Judges*².

McSHANE, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion for
Pro Hac Vice Admission of William Ellsworth Davis, III
37 C.F.R. § 42.10

¹ This Order applies to each of the listed cases. Given the similarities of issues, we issue one Order to be docketed in each case. The parties are not authorized to use this caption style.

² This is not an expanded panel of the Board. It is a listing of all Judges on the panels of the above-referenced proceedings.

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Patent Owner filed a Motion for *Pro Hac Vice* Admission of William E. Davis, III in each of the above-captioned proceedings. Paper 15 (“Motion” or “Mot.”).³ Patent Owner also filed a Declaration of Mr. Davis in support of the Motion. Ex. 2014 (“Declaration”). Petitioner does not oppose the Motion. Mot. 4. For the reasons discussed below, Patent Owner’s Motion is granted.

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, subject to the condition that lead counsel be a registered practitioner. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. See Paper 4, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Davis has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Davis has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Patent Owner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has

³ For purposes of expediency, we cite to the Motion and Declaration filed in IPR2020-00585, unless otherwise indicated. Patent Owner filed a similar Motion and Declaration in the other referenced cases.

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established good cause for *pro hac vice* admission of Mr. Davis. Mr. Davis will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of William Ellsworth Davis, III in each of the above-captioned proceedings is granted;

FURTHER ORDERED that Mr. Davis is authorized to represent Patent Owner only as back-up counsel in the above-captioned proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the above-captioned proceedings;

FURTHER ORDERED that Mr. Davis is to comply with the Office Patent Trial Practice Guide, 84 Fed. Reg. 64,280 (Nov. 21, 2019), and also with 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. Davis 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.*

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For PETITIONER:

Jonathan Lindsay
David McPhie
IRELL & MANELLA LLP
jlindsay@irell.com
dmcphie@irell.com

For PATENT OWNER:

Christian Hurt
DAVIS FIRM, PC
churt@davisfirm.com