

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,
Petitioner,

v.

UBERFAN, LLC,
Patent Owner.

IPR2022-00750 (Patent 9,477,744 B2)
IPR2022-00751 (Patent 9,727,634 B2)
IPR2022-00752 (Patent 10,740,305 B2)
IPR2022-00753 (Patent 10,963,439 B1)

Before NEIL T. POWELL, ELIZABETH M. ROESEL, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

PER CURIAM.

ORDER¹

Granting Patent Owner's Motions for Admission
Pro Hac Vice of Nicholas A. Wyss
37 C.F.R. § 42.10

¹ The combined caption is for administrative convenience only and does not indicate that IPR2022-00750, IPR2022-00751, IPR2022-00752, and IPR2022-00753 have been joined. The parties are not authorized to use this caption without express permission of the Board.

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On May 10, 2022, Patent Owner filed motions for admission *pro hac vice* of Nicholas A. Wyss in each of the above-identified proceedings (collectively “Motions”). Paper 6.² Patent Owner also filed declarations of Mr. Wyss in support of the Motions (collectively “Declarations”). Ex. 2001.³ Petitioner has not opposed the Motions. For the reasons provided below, Patent Owner’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”)).

² For purposes of expediency, we cite to Papers filed in IPR2022-00750. Patent Owner filed similar Motions in IPR2022-00751 (Paper 6), IPR2022-00752 (Paper 6), and IPR2022-00753 (Paper 6).

³ We cite to Exhibits filed in IPR2022-00750. Patent Owner filed similar Declarations in IPR2022-00751 (Paper 7), IPR2022-00752 (Paper 7), and IPR2022-00753 (Paper 7). It appears Patent Owner filed the Declarations as Papers in IPR2022-00751, IPR2022-00752, and IPR2022-00753. Patent Owner is reminded that affidavits and declarations must be filed as exhibits so that they may be referenced individually by exhibit number. *See* 37 C.F.R. § 42.63.

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Based on the facts set forth in the Motions and the accompanying Declarations,⁴ we conclude that Mr. Wyss has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Wyss has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that Mr. Wyss meets all other requirements for admission *pro hac vice*. We further conclude that Patent Owner's interest in being represented in these proceedings by counsel with litigation experience weighs in favor of granting the Motions. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Wyss. Mr. Wyss will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner has filed a Power of Attorney including Mr. Wyss in accordance with 37 C.F.R. § 42.10(b). IPR2022-00750, Paper 4; IPR2022-00751, Paper 4; IPR2022-00752, Paper 4; and IPR2022-00753, Paper 4. Patent Owner has also filed Mandatory Notices identifying Mr. Wyss as back-up counsel in accordance with

⁴ *Unified Patents* indicates that “A motion for *pro hac vice* admission must: . . . Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following: . . . All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years.” *See Unified Patents*, Paper 7 at 3. The Declaration of Mr. Wyss fails to identify any other proceedings before the Office for which Mr. Wyss has applied to appear *pro hac vice* in the last three years. *See* Ex. 2001. For the purposes of this Order, we excuse this omission and note that Mr. Wyss has applied and been admitted to appear *pro hac vice* in other proceedings in the last three years. *See, e.g.*, IPR2021-00204 and IPR2021-00205 (Paper 23, dated April 4, 2022).

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37 C.F.R. § 42.8(b)(3). IPR2022-00750, Paper 5; IPR2022-00751, Paper 5;
IPR2022-00752, Paper 5; and IPR2022-00753, Paper 5.

Accordingly, it is:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Nicholas A. Wyss are *granted*;

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

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

FURTHER ORDERED that Mr. Wyss is to comply with the Consolidated 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 Regulations; and

FURTHER ORDERED that Mr. Wyss 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.*

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

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