

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAJOR DATA, UAB,
Petitioner,

v.

BRIGHT DATA LTD.,
Patent Owner.

IPR2022-00915 (Patent 10,257,319)
IPR2022-00916 (Patent 10,484,510)¹

Before THOMAS L. GIANNETTI, KEVIN C. TROCK,
and SHEILA F. McSHANE, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Jason R. Bartlett
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in each of these proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

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Petitioner filed Motions requesting *Pro Hac Vice* Admission of Jason R. Bartlett in the above-identified proceedings. Paper 8.² Petitioner submitted Declarations from Mr. Bartlett in support of the Motions. Paper 9.³

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*, Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Bartlett has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Bartlett has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, that Mr. Bartlett meets all other requirements for admission *pro hac vice*. *See* Paper 9 ¶¶ 1–10. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Bartlett. Mr. Bartlett will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Powers of Attorney have not been submitted for Mr. Bartlett in IPR2022-00915 or IPR2022-00916. Accordingly, Petitioner must submit Powers of

² For expediency, we cite to papers in IPR2022-00915. Similar papers were filed in IPR2022-00916.

³ Petitioner filed the Declaration as a Paper. We deem this to be harmless error, however, Petitioner is reminded that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

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Attorney for Mr. Bartlett in accordance with 37 C.F.R § 42.10(b), and must update its Mandatory Notices as required by 37 C.F.R. § 42.8(b)(3), to identify Mr. Bartlett as back-up counsel.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 8) for *pro hac vice* admission of Jason R. Bartlett is *granted*; Mr. Bartlett is authorized to act only as back-up counsel in the above-identified proceedings;

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

FURTHER ORDERED that Mr. Bartlett complies with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide⁴ (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;

FURTHER ORDERED that Mr. Bartlett 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. §§ 11.101–11.901;

FURTHER ORDERED that Petitioner shall submit, within ten business days of the date of this order, a Power of Attorney for Mr. Bartlett in accordance with 37 C.F.R. § 42.10(b) in the above-identified proceedings; and

FURTHER ORDERED that Petitioner shall file an updated mandatory notice in the above-identified proceedings, within twenty-one (21) business days of the date of this order, according to 37 C.F.R. § 42.8(a)–(b), providing updated information regarding back-up counsel.

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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