

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

Case PGR2018-00008 (Patent 9,597,594 B2)
Case PGR2018-00029 (Patent 9,636,583 B2)
Case PGR2018-00047 (Patent 9,770,659 B2)
Case PGR2018-00055 (Patent 9,687,744 B2)¹

Before MICHAEL W. KIM and LYNNE H. BROWNE,
Administrative Patent Judges.

ORDER

Conditionally Granting Patent Owner's Unopposed Motion for *Pro Hac Vice*
Admission of Mr. Steven D. Moore
37 C.F.R. § 42.10

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

Case PGR2018-00008 (Patent 9,597,594 B2)
Case PGR2018-00029 (Patent 9,636,583 B2)
Case PGR2018-00047 (Patent 9,770,659 B2)
Case PGR2018-00055 (Patent 9,687,744 B2)

Patent Owner moves to have Mr. Steven D. Moore admitted *pro hac vice* in this proceeding. Paper 21, 1–4 (“Motion”).² Patent Owner’s unopposed motion is supported by a Declaration of Mr. Moore. Paper 21, 5–7 (“Declaration”).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* 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. Moore has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Moore has demonstrated sufficient familiarity with the subject matter of this

² For purposes of expediency, we refer to the paper for PGR2018-00008. Patent Owner filed similar papers in PGR2018-00029, PGR2018-00047, and PGR2018-00055.

³ Patent Owner is reminded that evidence, such as the Declaration, is to be submitted separately in the form of an exhibit. Patent Owner is also reminded that each exhibit must be uniquely numbered sequentially and must be appropriately labeled. *See* 37 C.F.R. § 42.63.

Case PGR2018-00008 (Patent 9,597,594 B2)
Case PGR2018-00029 (Patent 9,636,583 B2)
Case PGR2018-00047 (Patent 9,770,659 B2)
Case PGR2018-00055 (Patent 9,687,744 B2)

proceeding, and that Patent Owner's desire to include counsel from the corresponding district court proceeding is credible. *See* Declaration ¶¶ 10–12, *see also* Motion, 2–3. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Moore. Mr. Moore will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Upon further review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Moore. In view thereof, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

Accordingly, it is hereby:

ORDERED that Patent Owner's Motion is *conditionally granted*, provided that within seven (7) business days of the date of this order, Patent Owner submits a Power of Attorney for Mr. Moore in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must continue to have a registered practitioner serve as lead counsel in this proceeding, but that Mr. Moore is authorized to act as back-up counsel;

FURTHER ORDERED that Mr. Moore comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42, of the Code of Federal Regulations; and

Case PGR2018-00008 (Patent 9,597,594 B2)
Case PGR2018-00029 (Patent 9,636,583 B2)
Case PGR2018-00047 (Patent 9,770,659 B2)
Case PGR2018-00055 (Patent 9,687,744 B2)

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

Case PGR2018-00008 (Patent 9,597,594 B2)
Case PGR2018-00029 (Patent 9,636,583 B2)
Case PGR2018-00047 (Patent 9,770,659 B2)
Case PGR2018-00055 (Patent 9,687,744 B2)

For PETITIONER:

Jennifer R. Bush
Michael J. Sacksteder
Fenwick & West LLP
jbush-ptab@fenwick.com
msacksteder@fenwick.com

For PATENT OWNER:

John Alemanni
Andrew Rinehart
Scott Kolassa
Kilpatrick Townsend & Stockton LLP
jalemanni@kilpatricktownsend.com
arinehart@kilpatricktownsend.com
skolassa@kilpatricktownsend.com