

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

Case PGR2018-00029 (Patent 9,636,583 B2)
Case PGR2018-00036 (Patent 9,662,580 B2)
Case PGR2018-00039 (Patent 9,669,308 B2)
Case PGR2018-00047 (Patent 9,770,659 B2)
Case PGR2018-00050 (Patent 9,675,886 B2)
Case PGR2018-00055 (Patent 9,687,744 B2)
Case PGR2018-00060 (Patent 9,694,287 B2)
Case PGR2018-00061 (Patent 9,700,793 B2)¹

LYNNE H. BROWNE, *Administrative Patent Judge.*

ORDER

Conditionally Granting Petitioner's Unopposed Motion for *Pro Hac Vice*
Admission of Geoffrey R. Miller
37 C.F.R. § 42.10

¹ We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers.

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On January 17, 2019, Petitioner filed a Motion for *Pro Hac Vice* Admission of Geoffrey R. Miller in each of the above-identified proceedings (Paper 27² (“Motions”)), respectively accompanied by Declarations of Mr. Miller in support of the Motions. Ex. 1008³ (“Declarations”). Patent Owner did not oppose the Motions within the requisite time period. For the reasons provided below, Petitioner’s Motions are *conditionally 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. 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 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (“Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

² For purposes of expediency, we refer to papers and exhibits filed in PGR2018-00029. Petitioner filed similar Motions in PGR2018-00036 (Paper 11), PGR2018-00039 (Paper 18), PGR2018-00047 (Paper 21), PGR2018-00050 (Paper 14), PGR2018-00055 (Paper 17), PGR2018-00060 (Paper 15), and PGR2018-00061 (Paper 10).

³ Petitioner filed similar Declarations in PGR2018-00036 (Ex. 1007), PGR2018-00039 (Ex. 1009), PGR2018-00047 (Ex. 1010), PGR2018-00050 (Ex. 1006), PGR2018-00055 (Ex. 1010), PGR2018-00060 (Ex. 1008), and PGR2018-00061 (Ex. 1008).

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Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Miller has sufficient legal and technical qualifications to represent Petitioner in the above-identified proceedings, and that Mr. Miller has demonstrated sufficient familiarity with the subject matter of the above-identified proceedings. *See* Motions; Declarations. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Miller in the above-identified proceedings. Mr. Miller 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 Petitioner has not submitted a Power of Attorney for Mr. Miller as required by 37 C.F.R. § 42.10(b), nor has Petitioner updated its mandatory notices as required by 37 C.F.R. § 42.8(b)(3).

Accordingly, it is hereby:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Mr. Miller are *granted*;

FURTHER ORDERED that Petitioner must continue to have a registered practitioner serve as lead counsel in the above-identified proceedings, but that Mr. Miller is authorized to act as back-up counsel;

FURTHER ORDERED that Petitioner must, within seven (7) business days of the date of this order, submit a Power of Attorney for Mr. Miller in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b);

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

FURTHER ORDERED that Mr. Miller is to comply with the Office Patent Trial Practice Guide, as updated by the Office Patent Trial Practice Guide August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Miller 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.*

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