

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SUPERCELL OY,  
Petitioner,

v.

GREE, INC.,  
Patent Owner.

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Case PGR2018-00029 (Patent 9,636,583 B2)  
Case PGR2018-00047 (Patent 9,770,659 B2)<sup>1</sup>

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Before MICHAEL W. KIM, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion for *Pro Hac Vice*  
Admission of Mr. Michael J. Sacksteder  
*37 C.F.R. § 42.10*

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<sup>1</sup> This Order applies to both 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.

PGR2018-00029 (Patent 9,636,583 B2)  
PGR2018-00047 (Patent 9,770,659 B2)

Petitioner moves to have Mr. Michael J. Sacksteder admitted *pro hac vice* in this proceeding. Paper 12 (“Motion”).<sup>2</sup> Petitioner submitted a Declaration of Mr. Sacksteder in support of this Motion. Ex. 1007 (“Declaration”). Patent Owner did not oppose the Motion within the requisite time period.

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) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

In the Motion, Petitioner states there is good cause for the Board to recognize Mr. Sacksteder *pro hac vice* during this proceeding, because, *inter alia*, Mr. Sacksteder is an experienced litigating attorney and has established familiarity with the subject matter at issue in this proceeding, as he is serving as a consulting attorney in a related, co-pending action before the

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<sup>2</sup> For purposes of expediency, we refer to paper and exhibit numbers for PGR2018-00029. Petitioner filed a similar Motion (Paper 11) and Declaration (Ex. 1009) of Mr. Sacksteder in PGR2018-00047.

PGR2018-00029 (Patent 9,636,583 B2)  
PGR2018-00047 (Patent 9,770,659 B2)

Tokyo District Court involving the Japanese counterpart to the patent at issue in this case. Motion ¶¶ 4, 5; Ex. 1007 ¶¶ 4, 11, 12.<sup>3</sup> Accordingly, Petitioner has established good cause for the admission of Mr. Sacksteder *pro hac vice*. Mr. Sacksteder will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is hereby:

ORDERED that Petitioner’s Motion to admit Mr. Michael J. Sacksteder *pro hac vice* is *granted*; and Mr. Sacksteder is authorized to represent Petitioner as back-up counsel in this proceeding;

FURTHER ORDERED that Petitioner continue to have a registered practitioner serve as lead counsel in this proceeding;

FURTHER ORDERED that Mr. Sacksteder 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

FURTHER ORDERED that Mr. Sacksteder 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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<sup>3</sup> The Declaration states that Mr. Sacksteder has “read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in part 42 of *the* Code of Federal Regulations.” Ex. 1007 ¶ 8 (emphasis added). We note that the Board’s Rules of Practice for Trials are set forth in Part 42 of 37 C.F.R.

PGR2018-00029 (Patent 9,636,583 B2)  
PGR2018-00047 (Patent 9,770,659 B2)

For PETITIONER:

Jennifer Bush  
Michael J. Sacksteder  
FENWICK & WEST LLP  
jbush-ptab@fenwick.com  
msacksteder@fenwick.com

For PATENT OWNER:

John Alemanni  
Andrew Rinehart  
Scot Kolassa  
KILPATRIC TOWNSEND & STOCKTON LLP  
jalemanni@kilpatricktownsend.com  
arinehart@kilpatricktownsend.com  
skolassa@kilpatricktownsend.com