

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.
Petitioner

v.

REMBRANDT SOCIAL MEDIA, L.P.
Patent Owner

Case IPR2014-00415
U.S. Patent 6,415,316

Before PHILLIP J. KAUFFMAN, JENNIFER S. BISK, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

KAUFFMAN, *Administrative Patent Judge*.

DECISION

Petitioner's Motion for *Pro Hac Vice* Admission of Mark R. Weinstein
37 C.F.R. § 42.10

As authorized by the Notice of Filing Date (Paper 3), Facebook, Inc. (“Petitioner”), filed a motion for *pro hac vice* admission of Mr. Mark R. Weinstein (Paper 6). Patent Owner, Rembrandt Social Media, L.P., did not file an opposition to the motion. For the reasons provided below, Petitioner’s motion is *granted*.

As set forth in 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. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c); *see also* IPR2013-00639, Paper 7¹ (setting forth requirements for *pro hac vice* admission).

Ms. Keefe, lead counsel for Petitioner, is a registered practitioner. Paper 1 at 2.

In the motion, Petitioner provides a statement of facts that there is good cause for the Board to recognize Mr. Weinstein’s *pro hac vice* for this proceeding. Paper 6 at 1-2. Specifically, Petitioner states that: (1) Mr. Weinstein is an experienced litigation attorney and has been involved in numerous complex litigations in state and federal courts and (2) Mr. Weinstein is the lead counsel for Petitioner in co-pending litigation and, as such, has an established familiarity with subject matter at issue in this

¹ Available at http://www.uspto.gov/ip/boards/bpai/ptab_trials.jsp, “Representative Orders, Decisions, and Notices,” “Other Representative Orders and Decisions”). Supersedes IPR2013-00010, “Order – Authorizing Motion for *Pro Hac Vice* Admission,” Paper 8.

proceeding. *Id.*

Petitioner's motion is accompanied by an affidavit from Mr. Weinstein. Paper 6 at 3-5 (Affidavit of Mr. Weinstein in Support of Motion for *Pro Hac Vice* Admission). Mr. Weinstein attests that he is a member in good standing of the Bar at least one State, and that he has no suspensions, disbarments, sanctions, or contempt citations imposed by any court or administrative body nor denial of admission by the same. *Id.* at 3. Mr. Weinstein attests he 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 CFR. *Id.* at 3-4. Mr. Weinstein also provides a list of other Office proceedings he has applied to appear *pro hac vice* in the last three years.

Based on the record, we find that Mr. Weinstein has sufficient legal and technical qualifications to represent Petitioner in the instant proceeding. Accordingly, Petitioner has established that there is good cause for Mr. Weinstein's admission. Mr. Weinstein will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

For the foregoing reasons, it is

ORDERED that Petitioner's motion for *pro hac vice* admission of Mr. Weinstein for the instant proceeding is granted; Mr. Weinstein is authorized to represent Petitioner as back-up counsel in the instant proceeding;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceeding; and

FURTHER ORDERED that Mr. Weinstein is to comply with the

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Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the C.F.R., and to 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.*

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