

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, INC.,
Petitioner,

v.

VISUAL REAL ESTATE, INC.,
Patent Owner.

Cases: IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)¹

Before MICHAEL R. ZECHER, BEVERLY M. BUNTING, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION

Petitioner's Motion for *Pro Hac Vice* Admission of Mr. David S. Almeling
37 C.F.R. § 42.10

¹ This Decision addresses an issue that is identical in all four cases. We exercise our discretion to issue one Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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I. INTRODUCTION

Petitioner, Google Inc. (“Google”), filed a Motion for *Pro Hac Vice* Admission of Mr. David S. Almeling. Paper 15, (“Mot.”).² Patent Owner, Visual Real Estate, Inc., did not file an opposition to this Motion. For the reasons discussed below, Google’s Motion is *granted*.

II. DISCUSSION

Pursuant to 37 C.F.R. § 42.10(c), we 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. The Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See* Paper 3, 3.

In these proceedings, lead counsel for Google, Mr. John C. Phillips, is a registered practitioner. *See* Paper 1; Paper 2, 2–3. Google asserts that there is good cause for us to recognize Mr. Almeling *pro hac vice* in these proceedings. Mot. 2–6. This assertion is supported by the Declaration of Mr. Almeling. Ex. 1009.

Mr. Almeling declares that he is a member in good standing of the Bar of the State of California and that he is admitted to practice before numerous federal courts. Mot. 7; Ex. 1009 ¶ 2. Mr. Almeling also declares that he is familiar with the subject matter at issue in these proceedings, particularly because he represents

² For purposes of expediency, we refer to the documents filed in IPR2014-01338.

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and advises Google in the co-pending district court case styled *Visual Real Estate, Inc. v. Google, Inc.*, No. 3:14-cv-00274-TJC-JRK (M.D. Fla.). Mot. 2; Ex. 1009 ¶ 1. In addition, the facts alleged in Mr. Almeling's Declaration comply with all the requirements set forth in the Board's Order authorizing motions for *pro hac vice* admission (Paper 3, 3). See Ex. 1009 ¶¶ 3–14.

On this record, we determine that Mr. Almeling has sufficient legal and technical qualifications to represent Google in these proceedings, and that there is a need for Google to have its counsel in the co-pending district court case involved in these proceedings. Accordingly, Google has established that there is good cause for the *pro hac vice* admission of Mr. Almeling in these proceedings.

III. ORDER

In consideration of the foregoing, it is:

ORDERED that Google's Motion for *Pro Hac Vice* Admission of Mr. David S. Almeling is GRANTED. Mr. Almeling is authorized to represent Google only as back-up counsel in these proceedings;

FURTHER ORDERED that Google is to continue to have a registered practitioner represent it as lead counsel in these proceedings;

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

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FURTHER ORDERED that Mr. Almeling shall 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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