

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COX COMMUNICATIONS, INC.,
Petitioner,

v.

AT&T INTELLECTUAL PROPERTY I, L.P. and
AT&T INTELLECTUAL PROPERTY II, L.P.,
Patent Owners.¹

Case IPR2015-01187 (Patent 6,993,353 B2)
Case IPR2015-01227 (Patent 7,907,714 B2)

Before MICHAEL R. ZECHER, BRIAN P. MURPHY, and
SHEILA F. McSHANE, *Administrative Patent Judges*.
McSHANE, *Administrative Patent Judge*.

ORDER²
Pro Hac Vice Admission of Scott W. Bertulli
37 C.F.R. § 42.10(c)

¹ AT&T Intellectual Property I, L.P., is the Patent Owner in Case IPR2015-01227, whereas AT&T Intellectual Property II, L.P. is the Patent Owner in Cases IPR2015-01187.

² This Order addresses the same issue in the proceedings listed above. Therefore, we issue one Order to be filed in each proceeding. The parties, however, are not authorized to use this style of filing.

INTRODUCTION

Petitioner filed Motions for Admission *Pro Hac Vice* of Scott W. Bertulli (Paper 14³) and an accompanying declarations in support thereof (Ex. 1014) in each of these proceedings. Patent Owner did not file any opposition.

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. In authorizing a motion for *pro hac vice* admission, we require the moving party to provide 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 in this proceeding. Paper 3, 2 (citing Case IPR2013-00639, Paper 7, “Order – Authorizing Motion for *Pro Hac Vice* Admission.”). Lead Counsel for Petitioner is Steven M. Bauer, a registered practitioner. Petitioner states that there is good cause for us to recognize Scott W. Bertulli *pro hac vice* during these proceedings because he has experience and familiarity with the subject matter at issue in these proceedings. Paper 14, 2–3. The motions further assert that Scott W. Bertulli’s familiarity with the subject matter at issue and his technical experience will aid Petitioner in these proceedings. *Id.* at 3.

Declarations of Scott W. Bertulli attesting to, and sufficiently explaining, the required facts, accompany the motions. The Declarations

³ For the purposes of this Order, IPR2015-01187 is representative and all citations are to filings in IPR2015-01187 unless otherwise noted.

IPR2015-01187 (Patent 6,993,353 B2)

IPR2015-01227 (Patent 7,907,714 B2)

further state that Scott W. Bertulli represents Petitioner in at least one related matter against the Patent Owner. Ex. 1014 ¶ 10. The Declarations comply with the requirements for *pro hac vice* admission and establish that Scott W. Bertulli has an established familiarity with the subject matter at issue in these proceedings. *Id.* ¶¶ 10–11. The Declarations further acknowledge that Scott W. Bertulli has agreed to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 7.

Upon consideration, Petitioner has demonstrated sufficiently that Scott W. Bertulli has sufficient legal and technical qualifications to represent Petitioner in this proceeding. Accordingly, Petitioner has established that there is good cause for *pro hac vice* admission of Scott W. Bertulli. Scott W. Bertulli may be designated as backup counsel only.

ORDER

It is:

ORDERED that Petitioner's Motions for *Pro Hac Vice* Admission of Scott W. Bertulli is *granted* in each proceeding, and Scott W. Bertulli is authorized to represent Petitioner as back-up counsel only in these proceedings;

FURTHER ORDERED that Petitioner should continue to have a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Scott W. Bertulli is to 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

IPR2015-01187 (Patent 6,993,353 B2)

IPR2015-01227 (Patent 7,907,714 B2)

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

For PETITIONER:

Steven M. Bauer

Joseph A. Capraro, Jr.

Gerald Worth

Scott W. Bertulli

PROSKAUER ROSE LLP

PTABMattersBoston@proskauer.com

jcapraro@proskauer.com

gworth@proskauer.com

For PATENT OWNER:

David W. O'Brien

Raghav Bajaj

Jamie McDole

Haynes and Boone, LLP

david.obrien.ipr@haynesboone.com

raghav.bajaj.ipr@haynesboone.com

jamie.mcdole@haynesboone.com