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Paper No. 47
Entered: June 20, 2016

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.,[1]
Patent Owners.

Case IPR2015-01227 (Patent 7,907,714 B2)
Case IPR2015-01536 (Patent 8,855,147 B2)[2]

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

ZECHER, *Administrative Patent Judge.*

DECISION
Patent Owner's Motion for *Pro Hac Vice* Admission of Mr. James A. Shimota
37 C.F.R. § 42.10(c)

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[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 Case IPR2015-01536.

[2] This Decision addresses an issue that is identical in both cases. We exercise our discretion to issue one Decision to be filed in each case. The parties, however, are not authorized to use this style heading for any subsequent papers.

I. INTRODUCTION

Patent Owners, AT&T Intellectual Property I, L.P. and AT&T Intellectual Property II, L.P. (collectively, "AT&T"), filed a Motion for *Pro Hac Vice* Admission of Mr. James A. Shimota in each proceeding identified above. Paper 46 ("Mot.").[3] Petitioner, Cox Communications, Inc., does not oppose these Motions. For the reasons provided below, AT&T's Motions are *granted*.

II. DISCUSSION

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, subject to the condition that lead counsel be a registered practitioner. The representative 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 5, 3 (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 these proceedings, lead counsel for AT&T, Mr. David W. O'Brien, is a registered practitioner. Mot. 2; Paper 4, 1. AT&T asserts that there is good cause for us to recognize Mr. Shimota *pro hac vice* in these proceedings. Mot. 2–3. AT&T's assertions in this regard are supported by the Declaration of Mr. Shimota. Ex. 2050.

[3] For purposes of expediency, we refer to the papers and exhibits filed in Case IPR2015-01227.

Mr. Shimota declares that he is a member in good standing of the State Bar of Illinois, and that he is admitted to practice before several district courts. Ex. 2050 ¶ 1. Mr. Shimota also declares that he is familiar with the subject matter at issue in these proceedings, particularly because he has been involved in numerous other matters involving technology related to the patents in dispute here. *Id.* ¶ 8. In addition, the facts alleged in Mr. Shimota's Declaration comply with all the requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. *See* Ex. 2050 ¶¶ 2–7; Mot. 2–3.

On this record, we determine that Mr. Shimota has sufficient legal and technical qualifications to represent AT&T in these proceedings. Accordingly, AT&T has established that there is good cause for the *pro hac vice* admission of Mr. Shimota in these proceedings.

III. ORDER

Accordingly, it is

ORDERED that Patent Owner's Motions for *Pro Hac Vice* Admission of Mr. James A. Shimota are GRANTED. Mr. Shimota is authorized to represent AT&T as back-up counsel in these proceedings only;

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

FURTHER ORDERED that Mr. Shimota 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

FURTHER ORDERED that Mr. Shimota shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), as well as the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq*.

IPR2015-01227 (Patent 7,907,714 B2)
IPR2015-01536 (Patent 8,855,147 B2)

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