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Paper No. 8
Entered: January 23, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKBERRY CORPORATION,
Petitioner,

v.

MAXELL LTD.,
Patent Owner.

IPR2019-00087 (Patent 6,765,616 B1) IPR2019-00088 (Patent 6,973,334 B2)
IPR2019-00089 (Patent 8,170,394 B2) IPR2019-00095 (Patent 7,995,897 B2)
IPR2019-00097 (Patent 9,100,604 B2)[1]

Before TERRENCE W. McMILLIN, *Administrative Patent Judge*.

DECISION
Granting Petitioner's Motion for *Pro Hac Vice* Admission of
Stephen McBride
37 C.F.R. § 42.10(c)

[1] This Decision applies to each of the above-listed proceedings. We exercise our discretion to issue one Decision to be filed in each proceeding. The Parties, however, are not authorized to use this style heading in any subsequent papers.

Petitioner filed Motions requesting *pro hac vice* admission of Stephen McBride in the above-referenced proceedings (collectively "Motions"). Paper 7.[2] The Motions are supported by Declarations of Mr. McBride (collectively "Declarations"). Exhibit 1012.[3] The Motions do not state whether they are unopposed, but Patent Owner has filed no opposition to the Motions. For the reasons set forth below, Petitioner's Motions are *granted*.

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 proceedings. *See* Case IPR2019-00087 (Paper 6, 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")).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. McBride has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. McBride has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Petitioner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice*

[2] For purposes of expediency, we cite to the paper filed in IPR2019-00087. Similar papers were filed in IPR2019-00088 (Paper 6), IPR2019-00089 (Paper 6), IPR2019-00095 (Paper 5), and IPR2019-00097 (Paper 5).
[3] Petitioner filed similar Declarations in IPR2019-00088 (Exhibit 1024), IPR2019-00089 (Exhibit 1021), IPR2019-00095 (Exhibit 1040), and IPR2019-00097 (Exhibit 1020).

admission of Mr. McBride. Mr. McBride will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

ORDER

Accordingly, it is

ORDERED that Petitioner's Motions for *Pro Hac Vice* admission of Stephen McBride are *granted;*

FURTHER ORDERED that Mr. McBride is authorized to act as back-up counsel in the above-referenced proceedings only;

FURTHER ORDERED that Petitioner shall continue to have a registered practitioner represent it as lead counsel in the above-referenced proceedings;

FURTHER ORDERED that Mr. McBride shall comply with the Office Patent Trial Practice Guide, as updated by the Office Patent Trial Practice Guide August 2018 Update, 83 Fed. Reg. 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. McBride 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*; and

FURTHER ORDERED that Petitioner shall, within ten (10) business days of the date of this Order, submit Powers of Attorney identifying Mr. McBride in accordance with 37 C.F.R. § 42.10(b).

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