

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

HULU, LLC,  
Petitioner,

v.

SITO MOBILE R&D IP, LLC and SITO MOBILE, LTD.,  
Patent Owner.

---

IPR2021-00158, IPR2021-00206, IPR2021-00219, IPR2021-00265,  
IPR2021-00298, IPR2021-00304, IPR2021-00308<sup>1</sup>

---

Before JONI Y. CHANG, THOMAS L. GIANNETTI,  
KEVIN W. CHERRY, and MICHAEL T. CYGAN,  
*Administrative Patent Judges.*<sup>2</sup>

CHANG, *Administrative Patent Judge.*

ORDER

Granting Petitioner's Motions for Admission  
*Pro Hac Vice* of Bradley M. Berg and Brett J. Williamson  
37 C.F.R. § 42.10

---

<sup>1</sup> This Order applies to each of the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this heading style in any subsequent papers.

<sup>2</sup> This is not an expanded panel of the Board. It is a listing of all the Judges on the panels of the above-listed proceedings.

IPR2021-00158, IPR2021-00206, IPR2021-00219, IPR2021-00265,  
IPR2021-00298, IPR2021-00304, IPR2021-00308

On July 16, 2021 and July 20, 2021, Petitioner filed motions for admission *pro hac vice* of Bradley M. Berg and Brett J. Williamson in each of the above-identified proceedings (collectively “Motions”). Paper 16 (Berg), Paper 17 (Williamson).<sup>3</sup> Petitioner also filed declarations of Mr. Berg and Mr. Williamson in support of the Motions (collectively “Declarations”). Ex. 1079 (Berg), Ex. 1080 (Williamson).<sup>4</sup> Petitioner states that Patent Owner does not oppose the Motions. *See* Ex. 3002, 1 (Petitioner’s email dated July 21, 2021). For the reasons provided below, Petitioner’s Motions are *granted*.

Pursuant to 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. In its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

---

<sup>3</sup> For purposes of expediency, we cite to Papers filed in IPR2021-00158. Petitioner filed similar Motions in IPR2021-00206 (Papers 14, 15), IPR2021-00219 (Papers 14, 15), IPR2021-00265 (Papers 15, 16), IPR2021-00298 (Papers 14, 15), IPR2021-00304 (Papers 14, 15), and IPR2021-00308 (Papers 15, 16).

<sup>4</sup> For purposes of expediency, we cite to Declarations filed in IPR2021-00158. Petitioner filed similar Declarations in IPR 2021-00206, IPR2021-00219, IPR2021-00265, IPR2021-00298, IPR2021-00304, and IPR2021-00308. Ex. 1079 (Berg), Ex. 1080 (Williamson).

IPR2021-00158, IPR2021-00206, IPR2021-00219, IPR2021-00265,  
IPR2021-00298, IPR2021-00304, IPR2021-00308

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Berg and Mr. Williamson have sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Berg and Mr. Williamson have demonstrated sufficient familiarity with the subject matter of these proceedings, that Mr. Berg and Mr. Williamson meet all other requirements for admission *pro hac vice*, 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* admission of Mr. Berg and Mr. Williamson. Mr. Berg and Mr. Williamson will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Petitioner's Motions for *pro hac vice* admission of Mr. Bradley M. Berg and Mr. Brett J. Williamson are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Berg and Mr. Williamson are authorized to represent Petitioner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Berg and Mr. Williamson are to comply with the Consolidated Trial Practice Guide<sup>5</sup> (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

---

<sup>5</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2021-00158, IPR2021-00206, IPR2021-00219, IPR2021-00265,  
IPR2021-00298, IPR2021-00304, IPR2021-00308

FURTHER ORDERED that Mr. Berg and Mr. Williamson 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.*

IPR2021-00158, IPR2021-00206, IPR2021-00219, IPR2021-00265,  
IPR2021-00298, IPR2021-00304, IPR2021-00308

For Petitioner:

Cameron Westin  
Amy Liang  
O'MELVENY & MYERS LLP  
cwestin@omm.com  
aliang@omm.com

For Patent Owner:

Jason Charkow  
Chandran Iyer  
GOLDBERG SEGALLA LLP  
jcharkow@goldbergsegalla.com  
ciyer@goldbergsegalla.com