

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ADOBE INC.,  
Petitioner,

v.

EXPRESS MOBILE, INC.,  
Patent Owner.

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IPR2021-01227 (Patent 9,471,287 B2)  
IPR2021-01228 (Patent 9,063,755 B2)<sup>1</sup>

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Before JEFFREY S. SMITH, AARON W. MOORE, and  
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's Motions for *Pro Hac Vice*  
Admission of Tron Fu  
*37 C.F.R. § 42.10*

On August 6, 2021, Patent Owner filed Motions for *Pro Hac Vice*  
Admission of Tron Fu in each of the above-identified proceedings. Paper 5.<sup>2</sup>

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<sup>1</sup> This Order addresses issues that are the same in each of the above-identified proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

<sup>2</sup> For expediency, we cite to papers in IPR2021-01227. Similar papers were filed in IPR2021-01228.

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The Motions are supported by Declarations of Mr. Fu. Ex. 2001. Patent Owner indicates Petitioner does not oppose the Motions. Paper 5.

The parties are authorized to file motions for *pro hac vice* admission in accordance with the “Order—Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (“Representative Order”). Paper 7. Such motions must be accompanied by an affidavit or declaration attesting to “[f]amiliarity with the subject matter at issue in the proceeding.” Representative Order 3. Here, Mr. Fu declares “I have reviewed U.S. Patent No. 9,928,044 . . .” (Ex. 2001), but the ’044 patent is not at issue in either of the above-identified proceedings. We require Declarations as to whether Mr. Fu has familiarity with the subject matter of U.S. Patent Nos. 9,471,287 B2 and 9,063,755 B2, which are at issue in the above-identified proceedings.

Upon review of the record before us, we determine that all other requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Mr. Fu *pro hac vice*. Accordingly, we conditionally grant *pro hac vice* admission to Mr. Fu, effective upon filing corrected Declarations in each of the above-identified proceedings.

It is, therefore,

ORDERED that Patent Owner’s Motions for *Pro Hac Vice* Admission of Mr. Fu are conditionally granted, effective upon filing corrected Declarations attesting to Mr. Fu’s familiarity with the subject matter at issue in each of the above-identified proceedings; Mr. Fu will be authorized to act only as back-up counsel in the above-identified proceedings;

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

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proceedings;

FURTHER ORDERED that Mr. Fu is to comply with the Consolidated Trial Practice Guide<sup>3</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

FURTHER ORDERED that Mr. Fu is to 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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<sup>3</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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