

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-MOBILE USA, INC.,¹
Petitioner,

v.

DALI WIRELESS INC.,
Patent Owner.

IPR2022-01293
Patent 10,334,499 B2

Before KARL D. EASTHOM, BARBARA A. BENOIT, and
SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

ORDER

Conditionally Granting Petitioner T-Mobile USA, Inc.'s Unopposed Motion
for *Pro Hac Vice* Admission of William F. Bullard
37 C.F.R. § 42.10(c)

¹ The Board joined T-Mobile USA, Inc. as a party (Petitioner) to this proceeding. Original Petitioners CommScope Technologies LLC and Corning Optical Communications LLC have been terminated in this proceeding.

On November 10, 2023, T-Mobile USA, Inc. (“Petitioner” or “T-Mobile”) filed a Motion for *Pro Hac Vice* Admission of William Bullard in the above-captioned proceeding. Paper 31 (“Motion” or “Mot.”). Petitioner also filed a Declaration of Mr. Bullard in support of the Motion. Ex. 1074 (“Declaration”). Petitioner represents that the Motion is unopposed. Mot. 2. CommScope Technologies LLC (“CommScope”) previously filed a Motion for *Pro Hac Vice* Admission of William Bullard in this proceeding on August 22, 2023 (Paper 24), but CommScope was terminated from the case due to settlement (Paper 30). We now consider Petitioner T-Mobile’s Motion anew.

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. 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 6, 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”).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Bullard meets the requirements for admission *pro hac vice*. *See* Ex. 1074. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Bullard. However, Mr. Bullard’s Declaration appears to be filed pursuant to 28 U.S.C. § 1746, but does not include the date on which the Declaration was executed. The Motion is hereby *conditionally granted*, and is to be effective after Petitioner

files a corrected and properly executed Declaration for Mr. Bullard.

We note that Petitioner T-Mobile has not filed a power of attorney for Mr. Bullard in accordance with 37 C.F.R. § 42.10(b) and has not filed mandatory notices identifying Mr. Bullard as back-up counsel in this proceeding. Therefore, Petitioner must file a power of attorney for Mr. Bullard and updated mandatory notices identifying Mr. Bullard as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

ORDER

Accordingly, it is

ORDERED that Petitioner's Motion for *Pro Hac Vice* Admission of William Bullard in the instant proceeding is *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner must submit a corrected and properly executed Declaration of Mr. Bullard;

FURTHER ORDERED that Petitioner must file a power of attorney identifying Mr. Bullard as back-up counsel in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner must file updated mandatory notices identifying Mr. Bullard as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Bullard is authorized to represent Petitioner only as back-up counsel in the instant proceeding;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in the instant proceeding;

FURTHER ORDERED that Mr. Bullard is to comply with the Office

Patent Trial Practice Guide² (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. Bullard 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.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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