

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CALLIDUS SOFTWARE INC.
Petitioner

v.

VERSATA SOFTWARE, INC. and
VERSATA DEVELOPMENT GROUP, INC.
Patent Owner

Cases CBM2013-00052 (Patent 7,904,326)
CBM2013-00053 (Patent 7,958,024)
CBM2013-00054 (Patent 7,908,304)¹

Before HOWARD B. BLANEKESHIP, SALLY C. MEDLEY, and KEVIN F.
TURNER, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

DECISION
Motion for *Pro Hac Vice* Admission
37 C.F.R. § 42.10

¹ This order addresses an issue that is identical in all three cases. Therefore, we exercise discretion to issue one order to be filed in each of the three cases. The parties, however, are not authorized to use this style heading.

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Callidus Software, Inc. (“Callidus”) filed motions for *pro hac vice* admission of Mr. Assad H. Rajani (Paper 8) and Mr. Michael S. Tonkinson (Paper 10) in each of the three related cases.² The motions are unopposed. The 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. In authorizing motions for *pro hac vice*, 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 this proceeding. “Notice”; Paper 4.

In its motions, Callidus states that there is good cause for the Board to recognize Mr. Rajani and Mr. Tonkinson *pro hac vice* during this proceeding, because they are experienced litigating attorneys with an established familiarity with the subject matter at issue in the proceeding. Papers 8 and 10. In addition, the motion states that Mr. Rajani and Mr. Tonkinson are counsel for Callidus in the related litigation between Callidus and Versata. *Id.* at 4. Mr. Rajani and Mr. Tonkinson each made a declaration attesting to, and explaining, these facts. Exhibits 1013 and 1014. Each declaration complies with the requirements set forth in the Notice.

Upon consideration, Callidus has demonstrated that Mr. Rajani and Mr. Tonkinson have sufficient legal and technical qualifications to represent Callidus

²Citations are to CBM2013-00052.

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in this proceeding. Moreover, the Board recognizes that there is a need for Callidus to have related litigation counsel involved in this proceeding. Accordingly, Callidus has also established that there is good cause for admitting Mr. Rajani and Mr. Tonkinson.

It is

ORDERED that the Callidus motions for *pro hac vice* admission of Mr. Assad H. Rajani and Mr. Michael S. Tonkinson for these proceedings are *granted*;

FURTHER ORDERED that Callidus is to continue to have a registered practitioner represent it as lead counsel for this proceeding; and

FURTHER ORDERED that Mr. Rajani and Mr. Tonkinson are to 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. Rajani and Mr. Tonkinson are 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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