

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRULIA, INC.
Petitioner

v.

ZILLOW, INC.
Patent Owner

Case CBM2013-00056
Patent 7,970,674

Before JAMESON LEE and MICHAEL W. KIM, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

DECISION
Patent Owner's Motion for
Pro Hac Vice Admission of Ramsey M. Al-Salam
37 C.F.R. § 42.10

Introduction

On October 14, 2013, the Patent Owner (“Zillow”) filed a motion for *pro hac vice* admission of Ramsey M. Al-Salam, under 37 C.F.R. § 42.10. Petitioner (“Trulia”) has filed no opposition. We note that in co-pending proceeding involving the same Patent 7,970,674, Case IPR2013-00034, Mr. Al-Salam was granted *pro hac vice* admission on January 3, 2013 (Paper 15) and is now backup counsel in that proceeding.

Discussion

The motion is supported by the affidavit of Ramsey M. Al-Salam. Mr. Al-Salam states that he has not been suspended or disbarred from practice before any court or administrative body, that he has never had an application for admission to practice before any court or administrative body denied, and that no sanction or contempt citation has been imposed against him by any court or administrative body. Affidavit ¶¶ 2-4.

Mr. Al-Salam further states that he has read and will comply with the Office Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations, and that he will be subject to the USPTO Code of Professional responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). Affidavit ¶¶ 5-6.

Zillow represents that Mr. Al-Salam has advised Zillow on various patent issues and has appeared as lead counsel for Zillow in at least five district court patent suits. According to Zillow, Mr. Al-Salam is knowledgeable about the technology to which this proceeding relates. Zillow notes that Mr. Al-Salam

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already has been admitted *pro hac vice* in Case IPR2013-00034, which involves the same Patent 7,970,674.

We have also reviewed a copy of Mr. Al-Salam's biography submitted with his affidavit as Exhibit A.

Zillow has shown that Mr. Al-Salam has sufficient qualifications to represent Zillow in this proceeding. Zillow also has shown that it has a need for Mr. Al-Salam to be involved in this proceeding. On this record, Zillow has established good cause for admission of Mr. Al-Salam, *pro hac vice*, but for an apparent oversight that ¶ 6 of Mr. Al-Salam's affidavit refers to the USPTO's Code of Professional Responsibility, rather than the USPTO's Rules of Professional Conduct. The USPTO's Code of Professional Responsibility has been replaced by the USPTO's Rules of Professional Conduct. *See Changes to Representation of Others Before the United States Patent and Trademark Office*; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013). The USPTO's Rules of Professional Conduct took effect on May 3, 2013. *Id.* at 20180-81.

Conclusion

This decision is made on the presumption that Mr. Al-Salam agrees to be subject to the USPTO's Rules of Professional Conduct.

It is

ORDERED that Zillow's motion for *pro hac vice* admission of Ramsey M. Al-Salam for this proceeding is *conditionally granted*, provided that within one week of the date of posting of this decision, Zillow files a declaration or affidavit of Mr. Al-Salam, which states that Mr. Al-Salam agrees to be subject to the

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USPTO's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.*;

FURTHER ORDERED that if the above-noted declaration or affidavit statement is timely filed, Mr. Al-Salam is authorized to be designated as backup counsel, but not lead counsel, in this proceeding;

FURTHER ORDERED that Mr. Al-Salam will 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. Al-Salam will be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and comply with the USPTO's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.*

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