

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 Owners

Cases CBM2014-00117 (Patent 7,908,304 B2)
CBM2014-00118 (Patent 7,958,024 B2)¹

Before HOWARD B. BLANKENSHIP, 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 the cases. Therefore, we exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading.

Callidus Software, Inc. (“Callidus”) filed motions for *pro hac vice* admission of Mr. Assad H. Rajani (Paper 8) and Mr. Michael S. Tonkinson (Paper 9) in each case.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 a proceeding. “Notice”; Paper 4.

In the motions, Callidus states that there is good cause for the Board to recognize Mr. Rajani and Mr. Tonkinson *pro hac vice* during these proceedings, because they are experienced litigating attorneys with an established familiarity with the subject matter at issue in the proceedings. Papers 8 and 9. In addition, the motions state that Mr. Rajani and Mr. Tonkinson are counsel for Callidus in the related litigation between Callidus and Versata. *Id.* at 2. Mr. Rajani and Mr. Tonkinson each made a declaration attesting to, and explaining, these facts. Exhibits 1022 and 1023. 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 in these proceedings. Moreover, the Board recognizes that there is a need for Callidus to have related litigation counsel involved in these proceedings.

²Citations are to CBM2014-00117.

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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 these proceedings; 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 USPTO Rules of Professional Conduct³ set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

³ Mr. Rajani and Mr. Tonkinson incorrectly refer to the title as the "USPTO Code of Professional Responsibility." *See, e.g.*, Ex. 1022, ¶ 7.

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