

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KYOCERA CORPORATION
MOTORLOA MOBILITY LLC
Petitioner

v.

SOFTVIEW LLC
Patent Owner

Case IPR2013-00007
Patent 7,461,353

Before BRIAN J. McNAMARA, *Administrative Patent Judge*.

**ORDER GRANTNG MOTION FOR ADMISSION PRO HAC VICE OF
ALAN J. HEINRICH**

37 C.F.R. § 42.10

Softview LLC (Patent Owner) moves for the *pro hac vice* admission of attorney Alan J. Heinrich in accordance with 37 CFR 42.10. (Motion, Paper No 24, filed July 8, 2013). The Motion is unopposed. We grant the Motion.

I. Discussion

As set forth in 37 C.F.R. § 42.10(c), the Board 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. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, the Board also requires a statement of facts showing, among other requirements, that 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. (See, Paper 8, referencing the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00010, at 3-4.)

Patent Owner represents and provides testimony from Alan J. Heinrich indicating that Alan J. Heinrich is an experienced litigating attorney who has litigated patent cases for the past 12 years. (Ex. 2002). Moreover, Mr. Heinrich testifies that he has particular familiarity with the subject matter at issue in the

proceeding, as he has acquired a substantial understanding of the relevant legal and technical issues in his role as counsel for Patent Owner in the pending case, *Softview LLC v. Kyocera Corp., et al.*, Civil Action No. 1:12-cv-00989-LPS (D. Del. Filed July 26, 2012), which Patent Owner represents involves the same patent at issue in the current proceeding. (Ex. 2002).

Patent Owner has shown good cause why Alan J. Heinrich should be recognized *pro hac vice* for purposes of this proceeding. The unchallenged testimony of Mr. Heinrich establishes on this record that Mr. Heinrich is an experienced attorney who is familiar with patent litigation and the subject matter at issue and who is otherwise qualified to appear before the Board in this proceeding. Moreover, Alan J. Heinrich's familiarity with the subject matter of, and involvement in litigation related to, the present proceeding supports a determination that Patent Owner has a sufficient need for Mr. Heinrich's admission. Patent Owner, through the testimony of Alan J. Heinrich (Ex. 2002), has otherwise complied with the requirements for admission.

II. Order

It is

ORDERED that the Motion seeking admission *pro hac vice* for Alan J. Heinrich is GRANTED;

FURTHER ORDERED that Alan J. Heinrich may not act as lead counsel in the proceeding;

FURTHER ORDERED that a registered practitioner must remain as lead counsel throughout the proceeding; and

FURTHER ORDERED that Alan J. Heinrich is 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 the C.F.R.; and

FURTHER ORDERED that Alan J. Heinrich 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.*, which took effect on May 3, 2013.

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