

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC Corporation and VMware, Inc.
Petitioner,

v.

Personal Web Technologies, LLC.
Patent Owner.

Case IPR2013-00083 (JYC)
Patent 6,415,280

Before KEVIN F. TURNER, JONI Y. CHANG, and MICHAEL R. ZECHER,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

DECISION

EMC Motion for *Pro Hac Vice* Admission of Cynthia Vreeland
37 C.F.R. § 42.10

Petitioners EMC Corporation and VMware, Inc. (collectively “EMC”) filed a motion for *pro hac vice* admission of Ms. Cynthia Vreeland. (Paper 16.) The motion is unopposed. For the reasons provided below, EMC’s motion is *granted*.

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 required 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. (Paper 7, referencing the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00010, at 3-4.)

In its motion, EMC asserts that there is good cause for Ms. Vreeland’s *pro hac vice* admission because: (1) Ms. Vreeland is an experienced litigator and has been involved in numerous patent infringement litigations; and (2) as counsel for EMC in the co-pending litigation which involves the same patent being challenged in this proceeding, Ms. Vreeland has an established familiarity with the subject matter at issue in the proceeding. In support of the motion, Ms. Vreeland attests to these facts in her declaration with sufficient explanations. (Ex. 1038.) Additionally, the motion and Ms. Vreeland’s declaration comply with the requirements set forth in the Board’s order authorizing EMC’s motion for *pro hac vice* admission.

Based on the record, we find that Ms. Vreeland has sufficient legal and technical qualifications to represent EMC in the instant proceeding. We further recognize that there is a need for EMC to have its counsel in the co-pending litigation involved in this proceeding. Accordingly, EMC has established that there is good cause for Ms. Vreeland's admission.

EMC filed its motion prior to the publication of the Office's Final Rule adopting new 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. 30, 2013). The Final Rule also removes part 10 of the C.F.R., and the changes set forth in the Final Rule including the USPTO Rules of Professional Conduct take effect on May 3, 2013. *Id.* at 20180-81. Therefore, Ms. Vreeland is to be subject to the USPTO Rules of Professional Conduct when the rules are in effect.

For the foregoing reasons, it is

ORDERED that EMC's motion for *pro hac vice* admission of Ms. Vreeland for the instant proceeding is granted; Ms. Vreeland is authorized to represent EMC as back-up counsel in the instant proceeding;

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

FURTHER ORDERED that Ms. Vreeland 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 Ms. Vreeland is to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the Office's Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et. seq.* or the USPTO

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Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*, whichever
in effect.

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