

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC., LINKEDIN CORP., and TWITTER, INC.  
Petitioners,

v.

SOFTWARE RIGHTS ARCHIVE, LLC  
Patent Owner.

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Case IPR2013-00478 (Patent 5,544,352)  
Case IPR2013-00479 (Patent 5,832,494)  
Case IPR2013-00480 (Patent 5,832,494)  
Case IPR2013-00481 (Patent 6,233,571)<sup>1</sup>

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Before SALLY C. MEDLEY, CHRISTOPHER L. CRUMBLEY, and  
BARBARA A. PARVIS, *Administrative Patent Judges*.

CRUMBLEY, *Administrative Patent Judge*.

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

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<sup>1</sup> This decision addresses issues that are identical in the four cases. Therefore, we exercise our discretion to issue one decision to be entered in each of the four cases. The parties, however, are not authorized to use this style heading in their papers.

IPR2013-00478 (Patent 5,544,352)  
IPR2013-00479 (Patent 5,832,494)

IPR2013-00480 (Patent 5,832,494)  
IPR2013-00481 (Patent 6,233,571)

Patent Owner Software Rights Archive, LLC (“SRA”) filed motions for *pro hac vice* admission of Mr. Victor G. Hardy. IPR2013-00478, Paper 19; IPR2013-00479, Paper 20; IPR2013-00480, Paper 20; IPR2013-00481, Paper 18.<sup>2</sup> The motions are unopposed. For reasons discussed below, 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. 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). The Board previously authorized the parties to file motions for *pro hac vice*, requiring that the moving party 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. Paper 6, Notice of Filing Date Accorded to Petition, 2 (incorporating requirements in the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00010).<sup>3</sup>

In this proceeding, lead counsel for SRA is Martin M. Zoltick, a registered practitioner. In the motions, SRA states that there is good cause for the Board to recognize Mr. Hardy *pro hac vice* during this proceeding, because he is an experienced patent litigation attorney with substantial experience with the patents at issue in these proceedings. Paper 19, 2. For example, the motions state that Mr. Hardy is counsel for SRA in related litigation involving the same patents. *Id.* Mr.

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<sup>2</sup> For expediency, IPR2013-00478 is representative and all subsequent citations are to IPR2013-00478 unless otherwise noted.

<sup>3</sup> After the Notice was entered, an expanded panel of the Board updated the requirements for filing a motion for *pro hac vice* admission. *See* IPR2013-00639, Paper 7.

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Hardy submitted an affidavit attesting to, and explaining, these facts. IPR2013-00478, Ex. 2007; IPR2013-00479, Ex. 2009; IPR2013-00480, Ex. 2002; IPR2013-00481, Ex. 2002. Each affidavit complies with the requirements set forth in the Notice, and contains Mr. Hardy's agreement to be subject to the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.*

Upon consideration, SRA has demonstrated that Mr. Hardy has sufficient legal and technical qualifications to represent it in this proceeding, and the Board recognizes a need for SRA to have related litigation counsel involved. Accordingly, SRA has established good cause for Mr. Hardy's admission. Mr. Hardy will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

For the foregoing reasons, it is

ORDERED that Patent Owner's motions for *pro hac vice* admission of Mr. Victor G. Hardy for these proceedings are *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for these proceedings;

FURTHER ORDERED that Mr. Hardy 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 Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Hardy is 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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