

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SOFTWARE RIGHTS ARCHIVE, LLC
Patent Owner.

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)¹

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

PARVIS, *Administrative Patent Judge*.

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

¹ 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.

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Petitioners filed motions for *pro hac vice* admission of Mr. Asim M. Bhansali (Paper 10), Mr. Sharif Jacob (Paper 11), and Mr. David J. Silbert (Paper 12).² 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, subject to the condition that lead counsel is a registered practitioner. In authorizing motions for *pro hac vice*, the Board requires the moving party to provide a statement of facts showing 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. “Notice”; Paper 7.

In this proceeding, lead counsel for Petitioners is Ms. Heidi L. Keefe, a registered practitioner. In the motions, Petitioners state that there is good cause for the Board to recognize Mr. Bhansali, Mr. Jacob, and Mr. Silbert *pro hac vice* during this proceeding, because they are experienced litigating attorneys with an established familiarity with the subject matter at issue in the proceeding. Paper 10, 1; Paper 11, 1; Paper 12, 1. In addition, the motions state that Mr. Bhansali, Mr. Jacob, and Mr. Silbert are counsel for LinkedIn and Twitter in related litigation involving the same patent. Paper 10, 1-2; Paper 11, 1-2; Paper 12, 1-2. Mr. Bhansali, Mr. Jacob, and Mr. Silbert each made an affidavit attesting to, and

² For the purpose of clarity and expediency, IPR2013-00478 is representative and all citations are to IPR2013-00478 unless otherwise noted.

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explaining, these facts. Paper 10, Ex. A; Paper 11, Ex. A; Paper 12, Ex. A.³ Each affidavit complies with the requirements set forth in the Notice.

Upon consideration, Petitioners have demonstrated that Mr. Bhansali, Mr. Jacob, and Mr. Silbert have sufficient legal and technical qualifications to represent Petitioners in this proceeding. Moreover, the Board recognizes a need for Petitioners to have related litigation counsel involved in this proceeding. Accordingly, Petitioners have also established good cause for admitting Mr. Bhansali, Mr. Jacob, and Mr. Silbert.

Attention is directed to 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. 3, 2013). The Final Rule also removes Part 10 of Title 37, Code of Federal Regulations. The changes set forth in that Final Rule including the USPTO's Rules of Professional Conduct took effect on May 3, 2013. Therefore, Mr. Bhansali, Mr. Jacob, and Mr. Silbert are subject to the USPTO's Rules of Professional Conduct that took effect May 3, 2013.

It is

ORDERED that Petitioners' motions for *pro hac vice* admission of Mr. Asim M. Bhansali, Mr. Sharif Jacob, and Mr. David J. Silbert for these proceedings are *granted*;

FURTHER ORDERED that Petitioners are to continue to have a registered practitioner represent them as lead counsel for these proceedings;

³ Petitioners are reminded that each exhibit must be uniquely numbered sequentially and must be appropriately labeled. *See* 37 C.F.R. § 42.63.

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FURTHER ORDERED that Mr. Bhansali, Mr. Jacob, and Mr. Silbert 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. Bhansali, Mr. Jacob, and Mr. Silbert are 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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