

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAMAHA CORPORATION OF AMERICA
Petitioner

v.

BLACK HILLS MEDIA, LLC
Patent Owner

Case IPR2013-00593
Patent 8,045,952
Case IPR2013-00594
Patent No. 8,050,652
Case No. IPR2013-00597
Patent No. 8,230,099
Case No IPR2013-00598
Patent No. 8,214,873

Before, BRIAN J. McNAMARA, STACEY G. WHITE, and PETER P. CHEN,
Administrative Patent Judges.

McNAMARA, *Administrative Patent Judge.*

ORDER DENYING MOTIONS FOR ADMISSION PRO HAC VICE
AND REQUIRING PATENT OWNER TO DESIGNATE ADDITIONAL
COUNSEL

37 C.F.R. § 42.10

Case IPR2013-00593; -00594;-00597;-00598
Patent 8,045,952; 8,050,652; 8,230,099; 8,214,873

Under 37 CFR 42.10, BLACK HILLS MEDIA, LLC (Patent Owner) moves for the *pro hac vice* admission of attorney Reza Mollaaghababa in IPR2013-00593 (Paper No. 12), in IPR2013-00594 (Paper No. 7), and in IPR2013-00597 (Paper No. 6), attorney Thomas Engellenner in IPR2013-00594 (Paper No. 6), in IPR2013-00597 (Paper No. 7), and in IPR2013-00598 (Paper No 9), and attorney Lana Gladstein (Paper No. 8) in IPR2013-00598. We deny all the subject motions.

The Board may grant a motion to appear *pro hac vice* by counsel who is not a registered practitioner. 37 C.F.R. § 42.10(c). The subject motions represent that Reza Mollaaghababa, Thomas Engellenner, and Lana Gladstein are registered practitioners. Thus, in each case a Motion for Admission *pro hac vice* is not proper under these circumstances. Patent Owner has already filed a Power of Attorney designating Reza Mollaaghababa, Thomas Engellenner, and Lana Gladstein as counsel in the corresponding proceedings. IPR2013-00593, Paper No. 11, IPR2013-00594, Paper No. 9, IPR2013-00597, Paper No. 8, IPR2013-00598, Paper No. 10.

In a separate e-mail to the Board, which Patent Owner's lead counsel Theodosios Thomas, states was copied to opposing counsel, Patent Owner requested authorization to file a motion to withdraw back-up counsel, Stephen J. Tytran, from further representation in each *inter partes* review. We note that Mr. Tytran is not designated on the only Power of Attorney filed by Patent Owner in each *inter partes* review. If Mr. Tytran is not already counsel of record in each subject patent, Mr. Tytran is not authorized to act on behalf of Patent Owner and was not properly designated as back-up counsel. 37 C.F. R. 42.10(b). If Mr. Tytran is designated counsel of record, he is authorized to file a motion to withdraw. 37C.F.R. § 42.10(e). Withdrawal should be in accordance with the provisions of 37 C.F.R. § 11.116.

Case IPR2013-00593; -00594;-00597;-00598
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In consideration of the above, it is

ORDERED that the Motions seeking admission *pro hac vice* for Reza Mollaaghababa, Thomas Engellenner, and Lana Gladstein are DENIED;

FURTHER ORDERED that any appropriate Motion to Withdraw by Stephen Tytran under 37 C.F.R. 11.116 be filed not later than January 3, 2014;

FURTHER ORDERED that Patent Owner file a proper power of attorney and back-up counsel designation not later than January 3, 2014.

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