

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

B.E. TECHNOLOGY, L.L.C.
Patent Owner

Case IPR2014-00039 (Patent 6,628,314 B1)
Case IPR2014-00040 (Patent 6,771,290 B1)¹

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

¹ This decision addresses motions for *pro hac vice* admission submitted in both cases. We exercise our discretion to issue one decision to be entered in each case. The parties are not authorized to use this heading style without authorization from the Board.

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On May 29, 2014, Patent Owner, B.E. Technology, LLC (hereinafter “Patent Owner” or “B.E. Technology”), filed motions for *pro hac vice* admission of Mr. Daniel J. Weinberg and Ms. Jessica N. Leal. The motions are unopposed.² For the reasons provided below, B.E. Technology’s 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 be a registered practitioner. In authorizing motions for *pro hac vice* admission, 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. Paper 4, Notice of Filing Date Accorded to Petition, 2 (incorporating requirements in the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00010).

In the above-identified proceedings, lead counsel for B.E. Technology, Mr. Jason Angell, is a registered practitioner. B.E. Technology’s motions indicate that there is good cause for the Board to recognize Mr. Weinberg and Ms. Leal *pro hac vice* during these proceedings, and are supported by the declarations of Mr. Weinberg and Ms. Leal.

In particular, Mr. Weinberg and Ms. Leal each declare that they are experienced litigation attorneys and have served as counsel in numerous patent

² Petitioner did not file an opposition within one week from the filing of B.E. Technology’s motions.

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infringement cases in various district courts. Declarations.³ Mr. Weinberg and Ms. Leal are also counsel for B.E. Technology in a co-pending litigation, *B.E. Technology, L.L.C. v. Microsoft Corporation*, No. 2:12-cv-02829, which involves U.S. Patent No. 6,628,314 and U.S. Patent No. 6,771,290.

Further, Mr. Weinberg and Ms. Leal have each reviewed and are familiar with the asserted patent, prior art references, claim construction issues, and invalidity contentions in the co-pending litigation. The motions and declarations comply with the requirements set forth in the Notice.

Upon consideration, Patent Owner has demonstrated that Mr. Weinberg and Ms. Neal possess sufficient legal and technical qualifications to represent Patent Owner in these proceedings, and the Board recognizes that there is a need for Patent Owner to have related litigation counsel involved. Accordingly, Patent Owner has established good cause for Mr. Weinberg's and Ms. Leal's admission. Mr. Weinberg and Ms. Leal will be permitted to appear *pro hac vice* in these proceedings 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. Daniel J. Weinberg and Ms. Jessica N. Leal are *granted*;

FURTHER ORDERED that Mr. Daniel J. Weinberg and Ms. Jessica N. Leal are authorized to represent Patent Owner as back-up counsel;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent Patent Owner as lead counsel; and

³ The Declarations should have been filed as exhibits and not as a motion attachment. 37 C.F.R. § 42.63(a).

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FURTHER ORDERED that Mr. Daniel J. Weinberg and Ms. Jessica N. Leal 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 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.

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