

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.
Petitioner

v.

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

Case IPR2014-00044 (Patent 6,771,290 B1)

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

On May 12, 2014, Patent Owner, B.E. Technology, LLC (hereinafter “Patent Owner” or “B.E. Technology”), filed a motion for *pro hac vice* admission of Mr. Robert E. Freitas. IPR2014-00044, Paper 17. The motion is unopposed.¹ For the reasons provided below, B.E. Technology’s motion is *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 3, Notice of Filing Date Accorded to Petition, 3 (incorporating requirements in the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00010).

In the above-identified proceeding, lead counsel for B.E. Technology, Mr. Jason Angell, is a registered practitioner. B.E. Technology’s motion indicates that there is good cause for the Board to recognize Mr. Freitas *pro hac vice* during this proceeding, and is supported by the declaration of Mr. Freitas. Paper 17.

In particular, Mr. Freitas declares that he is an experienced litigation attorney and has served as counsel in numerous patent infringement cases in various district courts and the International Trade Commission. Declaration, ¶ 9.²

¹ Petitioner, Samsung Electronics America, Inc., did not file an opposition within one week from the filing of B.E. Technology’s motion.

² The Declaration should have been filed as an exhibit and not as a motion

Mr. Freitas is also counsel for B.E. Technology in a co-pending litigation, B.E. Technology, L.L.C. v. Samsung Electronics America, Inc., No. 2:12-cv-02825, which involves U.S. Patent No. 6,771,290. *Id.*, ¶ 10.

Further, Mr. Freitas has reviewed and is familiar with the asserted patent, prior art references, claim construction issues, and invalidity contentions in the co-pending litigation. The motion and declaration comply with the requirements set forth in the Notice, as well as the updated requirements set forth in the Board's order authorizing *pro hac vice* admission.

Upon consideration, Patent Owner has demonstrated that Mr. Freitas possesses sufficient legal and technical qualifications to represent Patent Owner in this proceeding, 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. Freitas's admission. Mr. Freitas 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 motion for *pro hac vice* admission of Mr. Robert E. Freitas for this proceeding is *granted*;

FURTHER ORDERED that Mr. Freitas is 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 for this proceeding; and

attachment. 37 C.F.R. § 42.63(a).

FURTHER ORDERED that Mr. Freitas 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 to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and the USPTO Rules of Professional Conduct³ set forth in 37 C.F.R. §§ 11.101 et seq.

³ Mr. Freitas incorrectly refers to this title as the "USPTO Code of Professional Responsibility." Declaration, ¶ 7.

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