

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., GOOGLE INC., and MOTOROLA MOBILITY LLC,
Petitioner,

v.

ARENDI S.A.R.L.,
Patent Owner.

Cases IPR2014-00206 (Patent 7,496,854 B2)
IPR2014-00207 (Patent 7,496,854 B2)
IPR2014-00208 (Patent 7,917,843 B2)¹

Before SALLY C. MEDLEY, *Administrative Patent Judge*.

DECISION

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

On July 28, 2014, Petitioner filed motions for *pro hac vice* admission of Julie

¹ This decision addresses motions for *pro hac vice* admission submitted in each of the three cases. One decision will be entered in each case. The parties are not authorized to use this heading style without authorization from the Board.

IPR2014-00206 (Patent 7,496,854 B2)
IPR2014-00207 (Patent 7,496,854 B2)
IPR2014-00208 (Patent 7,917,843 B2)

S. Turner. The motions indicate that they are unopposed by Patent Owner. For the reasons provided below, Petitioner's motions are *conditionally 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 a proceeding. Paper 4² Notice of Filing Date Accorded to Petition, 2 (incorporating requirements in the "Order – Authorizing Motion for *Pro Hac Vice* Admission" in IPR2013-00639).

In the above-identified proceedings, lead counsel for Petitioner, Mr. David Fehrman, is a registered practitioner. Petitioner's motions indicate that there is good cause for the Board to recognize Ms. Turner *pro hac vice* during these proceedings, and are supported by the declaration of Ms. Turner. Ex. 1011.

In particular, the motions explain that Ms. Turner is an experienced litigating attorney, and Ms. Turner declares that she has an established familiarity with the subject matter at issue in these proceedings. Paper 13, 2–3; Ex. 1011, ¶ 9.

Upon consideration, Petitioner has demonstrated that Ms. Turner possesses sufficient legal and technical qualifications to represent Petitioner in these proceedings. Accordingly, Petitioner has established good cause for Ms. Turner's admission.

² Citations are to IPR2014-00206.

IPR2014-00206 (Patent 7,496,854 B2)
IPR2014-00207 (Patent 7,496,854 B2)
IPR2014-00208 (Patent 7,917,843 B2)

Petitioner filed its motions after publication of 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 removed Part 10 of Title 37, Code of Federal Regulations. The Rules of Professional Conduct replaced the Code of Professional Responsibility, and took effect on May 3, 2013. *Id.* at 20180-81; *see also* Notice of Filing Date Accorded to Petition, 2 (incorporating requirements in the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00639).

In her declaration, Ms. Turner testifies that she agrees to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. 10.20 *et seq.* Ex. 1011, ¶ 7. As stated above, however, those rules have been replaced by the new Rules of Professional Conduct.

This decision is made on the presumption that Ms. Turner agrees to be subject to the USPTO’s Rules of Professional Conduct. Within one week of the date of posting of this decision, Petitioner shall file a statement from Ms. Turner that she agrees to be subject to the USPTO’s Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.*

It is

ORDERED that Petitioner’s motions for *pro hac vice* admission of Ms. Julie S. Turner are *conditionally granted*, provided that within one week of the date of posting of this decision, Petitioner files a declaration statement from Ms. Turner that she agrees to be subject to the USPTO’s Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.*;

IPR2014-00206 (Patent 7,496,854 B2)
IPR2014-00207 (Patent 7,496,854 B2)
IPR2014-00208 (Patent 7,917,843 B2)

FURTHER ORDERED that if the above-noted declaration statement is timely filed, Ms. Turner is authorized to be designated as backup counsel only;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent Petitioner as lead counsel for these proceedings; and

FURTHER ORDERED that Ms. Julie S. Turner 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 Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

IPR2014-00206 (Patent 7,496,854 B2)
IPR2014-00207 (Patent 7,496,854 B2)
IPR2014-00208 (Patent 7,917,843 B2)

FOR PETITIONER:

David Fehrman
dfehrman@mofo.com

Mehran Arjomand
marjomand@mofo.com

Matthew Smith
smith@turnerboyd.com

Zhuanjia Gu
gu@turnerboyd.com

FOR PATENT OWNER:

Robert Asher
rasher@sunsteinlaw.com

Bruce Sunstein
bsunstein@sunsteinlaw.com