

UNITED STATES PATENT AND TRADEMARK OFFICE  
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BEFORE THE PATENT TRIAL AND APPEAL BOARD  
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GOOGLE INC., SAMSUNG TELECOMMUNICATIONS  
AMERICA, LLC, SAMSUNG ELECTRONICS AMERICA, INC.,  
and SAMSUNG ELECTRONICS CO., LTD.,  
Petitioner,

v.

MICROGRAFX, LLC,  
Patent Owner.

\_\_\_\_\_  
Case IPR2014-00532 (Patent 5,959,633)  
Case IPR2014-00533 (Patent 6,057,854)  
Case IPR2014-00534 (Patent 6,552,732 B1)<sup>1</sup>  
\_\_\_\_\_

Before SALLY C. MEDLEY, RICHARD E. RICE, and  
BARBARA A. PARVIS, *Administrative Patent Judges*.

RICE, *Administrative Patent Judge*.

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

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<sup>1</sup> We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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Petitioner filed a similar motion for *pro hac vice* admission of Mr. David S. Almeling in each of Cases IPR2014-00532, IPR2014-00533, and IPR2014-00534. *See, e.g.*, IPR2014-00532, Paper 16. Patent Owner did not file an opposition to any of the motions. For the reasons provided below, each of Petitioner's motions is *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. Where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c). In the Notice of Filing Date Accorded to Petition filed in each of these proceedings, the Board previously authorized the parties to file a motion for *pro hac vice* admission, requiring that the moving party provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding, attesting to, *inter alia*, (i) familiarity with the subject matter at issue in the proceeding and (ii) all proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three years. *See, e.g.*, IPR2014-00532, Paper 6, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB October 15, 2013) (Paper 7)).

In the motion filed in each of these proceedings, Petitioner states that there is good cause for the Board to recognize Mr. Almeling *pro hac vice*, because he represents Petitioner in the related district court litigations involving the same patent at issue in the *inter partes* review. *See, e.g.*,

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IPR2014-00532, Paper 16, 1–2. Petitioner argues that Mr. Almeling has a detailed understanding of the subject patent and the substantive and technical issues involved in the *inter partes* review, and wishes to have him represent Petitioner before the Board. *Id.* at 2–6.

Mr. Almeling made a declaration attesting to, and explaining, these facts. *See, e.g.*, IPR2014-00532, Ex. 1009. Mr. Almeling declares that he has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in Part 42 of Title 37 of the Code of Federal Regulations, and agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶¶ 11–12. We are satisfied that Mr. Almeling is familiar with the subject matter at issue in these proceedings and otherwise qualified to appear *pro hac vice*, except that we are unclear whether Mr. Almeling’s declaration attests to all proceedings before the Office for which Mr. Almeling has applied to appear *pro hac vice* in the last three years.

Upon consideration, the Board recognizes that there is a legitimate need for Petitioner to have related litigation counsel involved in these *inter partes* reviews. With the noted exception, Petitioner has demonstrated to us that Mr. Almeling has sufficient legal and technical qualifications to represent Petitioner in these proceedings, and has established that there is good cause for Mr. Almeling’s admission. On the presumption that Mr. Almeling files, within one week of the posting of this decision, a declaration attesting to all proceedings before the Office for which Mr. Almeling has applied to appear *pro hac vice* in the last three years, Mr. Almeling will be

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permitted to appear *pro hac vice* in each of these proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c) and FAQ F12 on the Board's website (<http://www.uspto.gov/ip/boards/bpai/prps.jsp>).

For the foregoing reasons, it is

ORDERED that each of Petitioner's motions, in Cases IPR2014-00532, IPR2014-00533, and IPR2014-00534, for *pro hac vice* admission of Mr. Robert A. Almeling is *granted conditionally*, subject to filing, within one week of the posting of this decision, a declaration attesting to all proceedings before the Office for which Mr. Almeling has applied to appear *pro hac vice* in the last three years;

FURTHER ORDERED that upon satisfaction of the above-specified condition, Mr. Almeling is authorized to represent Petitioner in each of these proceedings as back-up counsel only;

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

FURTHER ORDERED that Mr. Almeling 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.*

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