

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC.  
Petitioner

v.

TLI COMMUNICATIONS LLC  
Patent Owner

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Case IPR2014-00566  
Patent 6,038,295

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Before JAMESON LEE, BART A. GERSTENBLITH, and  
JO-ANNE M. KOKOSKI, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

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

Petitioner filed a motion for *pro hac vice* admission of Mark R. Weinstein on April 29, 2014. Paper 9. Patent Owner did not file an opposition to the motion. For the following reasons, the motion is *granted*.

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner. 37 C.F.R. § 42.10(c). If 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.” *Id.*

Lead counsel for Petitioner in this proceeding is Heidi Keefe, a registered practitioner. In support of its motion, Petitioner relies on an affidavit of Mark R. Weinstein. Paper 9, 3-4. Mr. Weinstein declares that he is a member in good standing of the Bar of California. *Id.* at 3 ¶ 1. Mr. Weinstein further declares that he has not been suspended or disbarred from, and has not been denied admission to, practice before any court or administrative body. *Id.* at 3 ¶¶ 2-3. Mr. Weinstein declares that he is familiar with the subject matter at issue in this proceeding. *Id.* at 4 ¶ 8. Petitioner’s motion states that Mr. Weinstein is counsel of record in the related district court litigation between the parties involving Patent 6,038,295: *TLI Communications LLC v. AV Automotive, L.L.C. et al.*, No. 14-cv-0142 TSE (E.D. Va.). *Id.* at 1.

Mr. Weinstein further states that (1) he has read and will comply with the Board’s Rules of Practice for Trials as set forth in Part 42 of Title 37, Code of Federal Regulations, as well as the Office Patent Trial Practice Guide, and (2) he will be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at 3-4 ¶¶ 5-6.

Based on the foregoing, we determine that Petitioner has established good cause for Mr. Weinstein's admission, *pro hac vice*.

Accordingly, it is

ORDERED that Petitioner's motion for *pro hac vice* admission of Mark R. Weinstein is *granted*;

FURTHER ORDERED that Mr. Weinstein is authorized to represent Petitioner as backup counsel only; and

FURTHER ORDERED that Mr. Weinstein is subject to the USPTO's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

IPR2014-00566  
Patent 6,038,295

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