

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD., TSMC
NORTH AMERICA CORPORATION, FUJITSU SEMICONDUCTOR
LIMITED, FUJITSU SEMICONDUCTOR AMERICA, INC., ADVANCED
MICRO DEVICES, INC., RENESAS ELECTRONICS CORPORATION,
RENEASAS ELECTRONICS AMERICA, INC., GLOBAL FOUNDRIES U.S.,
INC., GLOBALFOUNDRIES DRESDEN MODULE ONE LLC & CO. KG,
GLOBALFOUNDRIES DRESDEN MODULE TWO LLC & CO. KG, TOSHIBA
AMERICA ELECTRONIC COMPONENTS, INC., TOSHIBA AMERICA INC.,
TOSHIBA AMERICA INFORMATION SYSTEMS, INC., TOSHIBA
CORPORATION, and THE GILLETTE COMPANY

Petitioners,

v.

ZOND, LLC,
Patent Owner.

Cases IPR2014-00828, IPR2014-00829, IPR2014-00917¹
Patent 7,808,184 B2

Before KEVIN F. TURNER, *Administrative Patent Judge*.

DECISION

Motions for *Pro Hac Vice* Admission of Mr. Anthony J. Fitzpatrick
37 C.F.R. § 42.10

¹ This Decision addresses the same issues in the *inter partes* reviews listed herein. Therefore, we issue one Decision to be filed in all of the cases. The parties, however, are not authorized to use this style of filing in subsequent papers.

Petitioners Taiwan Semiconductor Manufacturing Company, Ltd. and TSMC North America Corporation (collectively “TSMC”) filed a Motion for *Pro Hac Vice* Admission of Mr. Anthony J. Fitzpatrick in each of the proceedings identified above. Paper 16. (“Mot.”).² Although Patent Owner Zond, LLC was authorized to file an Opposition to each of the Motions within one week after the filing of the Motion (Paper 4, 2; *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, slip op. at 3 (PTAB Oct. 15, 2013) (Paper 7)), our record shows no Opposition has been filed. For the reasons provided below, TSMC’s Motions are *granted*.

Pursuant to 37 C.F.R. § 42.10(c), we 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. The Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in the instant proceedings.

In the proceedings at issue, lead counsel for TSMC, Mr. David M. O’Dell, is a registered practitioner. Mot. 2. TSMC’s Motions indicate that there is good cause for us to recognize Mr. Fitzpatrick *pro hac vice* during these proceedings, and is supported by the Declaration of Mr. Fitzpatrick (Ex. 1217). Mot. 2–3.

² For the purpose of clarity and expediency, we treat IPR2014-00828 as representative, and all citations are to IPR2014-00828 unless otherwise noted.

In particular, Mr. Fitzpatrick declares that he is an experienced patent litigation attorney and has been practicing law, with a focus on patent litigation and other intellectual property matters. Ex. 1217 ¶ viii. Mr. Fitzpatrick also declares that he has established familiarity with the subject matter at issue in the instant proceedings, as he has been representing Taiwan Semiconductor Manufacturing Company, Ltd., in the related district court litigation that involves the same patents being challenged in the proceedings before us. *Id.* at ¶ ix. Additionally, Mr. Fitzpatrick's Declaration complies with the requirements set forth in the Board's Order authorizing motions for *pro hac vice* admission. *Id.* at ¶¶ i–ix.

On this record, we determine that Mr. Fitzpatrick has sufficient legal and technical qualifications to represent TSMC in the instant proceedings. We further recognize that there is a need for TSMC to have its counsel in the co-pending litigation involved in the proceedings before us. Accordingly, TSMC has established that there is good cause for Mr. Fitzpatrick's admission.

Accordingly, it is

ORDERED that TSMC's Motions for Pro Hac Vice Admission of Mr. Anthony J. Fitzpatrick are *granted*; Mr. Fitzpatrick is authorized to represent TSMC as back-up counsel in the instant proceedings;

FURTHER ORDERED that TSMC is to continue to have a registered practitioner represent it as lead counsel for those proceedings;

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FURTHER ORDERED that Mr. Fitzpatrick 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

FURTHER ORDERED that Mr. Fitzpatrick is 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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