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Paper No. 6
Entered: August 6, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIVERSAL REMOTE CONTROL, INC.,
Petitioner,

v.

UNIVERSAL ELECTRONICS, INC.,[1]
Patent Owner.

Cases IPR2014-01112
Patent RE39,059 E

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

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

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[1] Patent Owner represents that the owner of the patent and real party-in-interest is Universal Electronics, Inc. Paper 4. Office assignment records indicate, however, that U.S. Bank National Association is the owner of the patent. Patent Owner should update Office assignment records to be consistent with its representations made in Paper 4 of this proceeding.

On July 22, 2014, Patent Owner filed a motion for *pro hac vice* admission of Mr. Matthew J. Levinstein. Paper 5. The motion is unopposed.[2] For the reasons provided below, Patent Owner'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 IPR2013-00639).

In this proceeding, lead counsel for Petitioner, Mr. Eric J. Maiers, is a registered practitioner. Patent Owner's motion indicates that there is good cause for the Board to recognize Mr. Levinstein *pro hac vice* during this proceeding, and is supported by the declaration of Mr. Levinstein. Ex. 2001.

In particular, the motion explains that Mr. Levinstein is an experienced litigating attorney, and Mr. Barz declares that he has an established familiarity with the subject matter at issue in this proceeding, as he was counsel for Patent Owner in a related district case between the Petitioner and Patent Owner involving many of the same patents involved in this, or other related, *inter partes* reviews. Paper 5,

[2] Petitioner did not file an opposition within one week from the filing of Patent Owner's motion.

3-5; Ex. 2001, ¶ 13.

Upon consideration, Patent Owner has demonstrated that Mr. Levinstein 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. Levinstein's admission. Mr. Barz 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. Matthew J. Levinstein is *granted*;

FURTHER ORDERED that Mr. Matthew J. Levinstein is authorized to represent Patent Owner as back-up counsel only;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent Patent Owner as lead counsel for this proceeding; and

FURTHER ORDERED that Mr. Matthew J. Levinstein 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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