

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYMANTEC CORPORATION,
Petitioner,

v.

THE TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,
Patent Owner.

Case IPR2015-00372 (Patent 7,448,084 B1)
Case IPR2015-00374 (Patent 7,913,306 B2)
Case IPR2015-00375 (Patent 8,074,115 B2)
Case IPR2015-00377 (Patent 8,601,322 B2)
Case IPR2015-00378 (Patent 7,448,084 B1)

Before HOWARD B. BLANKENSHIP, BRYAN F. MOORE, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

DECISION¹
Motion for *Pro Hac Vice* Admission
37 C.F.R. § 42.10

¹ We exercise our discretion to issue one identical decision in each case using this caption style. Unless otherwise authorized, the parties are not permitted to use this style.

Case IPR2015-00372 (Patent 7,448,084 B1)
Case IPR2015-00374 (Patent 7,913,306 B2)
Case IPR2015-00375 (Patent 8,074,115 B2)
Case IPR2015-00377 (Patent 8,601,322 B2)
Case IPR2015-00378 (Patent 7,448,084 B1)

I. INTRODUCTION

Petitioner filed a motion for *pro hac vice* admission of Mr. Michael J. Sacksteder in the above-listed proceedings.² Paper 25 (“Motion” or “Mot.”). Patent Owner does not oppose the Motion. Mot. 3. For the following reasons, the Motion is *granted* in IPR2015-00374, IPR2015-00375, IPR2015-00377, and IPR2015-00378, and *conditionally granted* in IPR2015-00372.

II. ANALYSIS

Counsel may be admitted *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner. 37 C.F.R. § 42.10(c). Specifically, if lead counsel is a registered practitioner, back-up counsel 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.* For the reasons set forth in the Motion and the accompanying declaration of Mr. Sacksteder³ (Ex. 1025), we find that good cause exists to admit Mr. Sacksteder *pro hac vice* in these proceedings. Petitioner, however, did not file the accompanying declaration of Mr. Sacksteder as an exhibit in IPR2015-00372. Petitioner, therefore, shall file the accompanying

² This decision cites to the record of the IPR2015-00374, unless otherwise noted.

³ Although Mr. Sacksteder refers to the “USPTO Code of Professional Responsibility,” Mr. Sacksteder states that he will be subject to 37 C.F.R. §§ 11.101 *et seq.*, which sets forth the USPTO Rules of Professional Conduct.

Case IPR2015-00372 (Patent 7,448,084 B1)
Case IPR2015-00374 (Patent 7,913,306 B2)
Case IPR2015-00375 (Patent 8,074,115 B2)
Case IPR2015-00377 (Patent 8,601,322 B2)
Case IPR2015-00378 (Patent 7,448,084 B1)

declaration of Mr. Sacksteder as an exhibit in IPR2015-00372, within five (5) business days of this Order.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion is *granted* in IPR2015-00374, IPR2015-00375, IPR2015-00377, and IPR2015-00378, and *conditionally granted* in IPR2015-00372;

FURTHER ORDERED that Mr. Michael J. Sacksteder is authorized to represent Petitioner as back-up counsel in IPR2015-00374, IPR2015-00375, IPR2015-00377, and IPR2015-00378;

FURTHER ORDERED that, if Petitioner files the accompanying declaration of Mr. Sacksteder as an exhibit in IPR2015-00372, within five (5) business days of this Order, Mr. Sacksteder is authorized to represent Petitioner as back-up counsel in IPR2015-00372;

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above-listed proceedings; and

FURTHER ORDERED that Mr. Sacksteder is to comply with the Board's Rules of Practice for Trials set forth in Part 42 of Title 37, Code of Federal Regulations, and the Office Patent Trial Practice Guide, and is subject to the USPTO's Rules of Professional Conduct 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).

Case IPR2015-00372 (Patent 7,448,084 B1)
Case IPR2015-00374 (Patent 7,913,306 B2)
Case IPR2015-00375 (Patent 8,074,115 B2)
Case IPR2015-00377 (Patent 8,601,322 B2)
Case IPR2015-00378 (Patent 7,448,084 B1)

PETITIONER:

David D. Schumann
Brian M. Hoffman
FENWICK & WEST LLP
dschumann-ptab@fenwick.com
bhoffman-ptab@fenwick.com

PATENT OWNER:

Hong Zhong
Michael Fleming
Jason G. Sheasby
IRELL & MANELLA LLP
hzhong@irell.com
mflaming@irell.com
jsheasby@irell.com