

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WHATSAPP INC. and FACEBOOK, INC.,  
Petitioner,

v.

TRIPLAY, INC.,  
Patent Owner.

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Case IPR2015-00740  
Patent 8,332,475 B2

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Before BENJAMIN D. M. WOOD, BRIAN J. McNAMARA, and  
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

ORDER

Petitioner's Corrected Motions for *Pro Hac Vice* Admission of Reuben Chen  
and Mark Weinstein  
*37 C.F.R. § 42.10*

On March 18, 2015, Petitioner filed two Motions requesting the *pro hac vice* admissions of Reuben Chen and Mark Weinstein. Papers 4–5. Subsequently, Petitioner filed two “corrected” Motions requesting the same. Papers 8–9. We treat Petitioner’s Corrected Motions as substitutes for the counterparts filed earlier on March 18, 2015, and only review the corrected versions for the purpose of this decision.

Petitioner also has provided Declarations from Mr. Chen and Mr. Weinstein in support of its Corrected Motions. Exs. 1010, 1012. Patent Owner did not file an opposition to either Corrected Motion. For the reasons stated below, Petitioner’s Corrected Motions are *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 be a registered practitioner and to any other conditions as the Board may impose.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, the Board requires the moving party to 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. Lead counsel for Petitioner is Ms. Heidi L. Keefe, a registered practitioner.

#### *Pro Hac Vice Admission of Mr. Chen*

In its Corrected Motion, Petitioner argues that there is good cause for Mr. Chen’s *pro hac vice* admission because he is an experienced litigation attorney and has experience with the subject matter involved in this proceeding. Paper 8, 1. A Declaration of Reuben Chen (Ex. 1010) attesting to, and sufficiently explaining, the required facts, accompanies the Corrected

Motion.<sup>1</sup> The Declaration complies with the requirements for *pro hac vice* admission and establishes that Mr. Chen is an experienced attorney with an established familiarity with the subject matter at issue in this proceeding. *Id.* at 2–3.

*Pro Hac Vice Admission of Mr. Weinstein*

In its separate Corrected Motion requesting *pro hac vice* admission for Mr. Weinstein, Petitioner asserts there is good cause for Mr. Weinstein's *pro hac vice* admission because he is an experienced litigation attorney and has experience with the subject matter involved in this proceeding. Paper 9, 1.

Mr. Weinstein supporting Declaration (Ex. 1012), accompanying the Corrected Motion, complies with the requirements for *pro hac vice* admission and establishes that Mr. Weinstein is an experienced attorney with an established familiarity with the subject matter at issue in this proceeding.<sup>2</sup> *Id.* at 2–3.

Based on the facts set forth above, we conclude that Mr. Chen and Mr. Weinstein have sufficient legal and technical qualifications to represent Petitioner in these proceedings.

Accordingly, Petitioner has established good cause for Mr. Chen's and Mr. Weinstein's *pro hac vice* admissions. Mr. Chen and Mr. Weinstein will each be permitted to appear *pro hac vice* in the instant proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby:

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<sup>1, 2</sup> We understand paragraphs 6 of Mr. Chen's affidavit and Mr. Weinstein's affidavit to indicate that each, respectively, will be subject to the USPTO Rules of Professional Conduct, which replaced the USPTO Code of Professional Responsibility, effective May 3, 2013.

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ORDERED that Petitioner's Motions for *pro hac vice* admission of Mr. Reuben Chen and Mr. Mark Weinstein in the instant proceeding are granted and Mr. Reuben Chen and Mr. Mark Weinstein are each authorized to represent Petitioner as back-up counsel in the instant proceeding;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceeding;

FURTHER ORDERED that Mr. Reuben Chen and Mr. Mark Weinstein are to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations; and

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

PETITIONER:

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