

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATSAPP INC. and FACEBOOK, INC.,
Petitioner,

v.

TRIPLAY, INC.,
Patent Owner.

Case IPR2015-00740
Patent 8,332,475 B2

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

IPPOLITO, *Administrative Patent Judge*.

ORDER

Patent Owner's Motion for *Pro Hac Vice* Admission of Douglas Weider
37 C.F.R. § 42.10

On September 14, 2015, Patent Owner filed a Motion requesting the *pro hac vice* admission of Douglas Weider. Paper 17. Petitioner did not file an opposition to Patent Owner's Motion.

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 Patent Owner is Mr. Barry Schindler, a registered practitioner.

In its Motion, Patent Owner asserts that there is good cause for Mr. Weider's *pro hac vice* admission because he is an experienced litigation attorney and has experience with the subject matter involved in this proceeding. Paper 17, 2. A Declaration of Douglas Weider (Ex. 2001) attesting to, and sufficiently explaining, the required facts, accompanies the Motion.¹ The Declaration complies with the requirements for *pro hac vice* admission and establishes that Mr. Weider is an experienced attorney with an established familiarity with the subject matter at issue in this proceeding. Ex. 2001 ¶¶ 1–8.

Based on the facts set forth above, we conclude that Mr. Weider has sufficient legal and technical qualifications to represent Patent Owner in this proceeding.

¹We understand paragraph 6 of Mr. Weider's affidavit indicates that he will be subject to the USPTO Rules of Professional Conduct, which replaced the USPTO Code of Professional Responsibility, effective May 3, 2013.

Accordingly, Patent Owner has established good cause for Mr. Weider's *pro hac vice* admission. Mr. Weider will 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:

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Mr. Douglas Weider in the instant proceeding is granted and Mr. Weider is authorized to represent Patent Owner as back-up counsel in the instant proceeding;

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

FURTHER ORDERED that Mr. Weider is 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. Weider is 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).

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PETITIONER:

Heidi Keefe
hkeefe@cooley.com

Andrew Mace
amace@cooley.com

PATENT OWNER:

Barry Schindler
njdocket@gtlaw.com

Jeremy Monaldo
Monaldo@fr.com