

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

OPENTV, INC.,
Patent Owner.

Case IPR2015-00969 (Patent 5,884,033)
Case IPR2015-00980 (Patent 5,566,287)
Case IPR2015-01031 (Patent 7,900,229 B2)¹

Before JAMES B. ARPIN, DAVID C. MCKONE, and SCOTT C. MOORE,
Administrative Patent Judges.

ARPIN, *Administrative Patent Judge.*

ORDER

Granting Petitioner's Motion for Admission *Pro Hac Vice* of
Luann L. Simmons
37 C.F.R. § 42.10

Petitioner, Apple Inc., moves for *pro hac vice* admission of Ms.
Luann L. Simmons. IPR2015-000969, Paper 10; IPR2015-00980, Paper 13;

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

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IPR2015-01031, Paper 8. Petitioner provides affidavits from Ms. Simmons in support of its motions. IPR2015-00969, Ex. 1012; IPR2015-00980, Ex. 1014; IPR2015-01031, Ex. 1019. Patent Owner, OpenTV, Inc., has not filed an opposition to Petitioner's motions.

Based on the facts set forth in the motions and the accompanying affidavits from Ms. Simmons, we conclude that Ms. Simmons has sufficient legal and technical qualifications to represent Petitioner in these cases, that Ms. Simmons has demonstrated the necessary familiarity with the subject matter of these cases, and that there is a need for Petitioner to have counsel with experience as a litigation attorney in patent matters involved in these cases. Accordingly, Petitioner has established good cause for Ms. Simmons's *pro hac vice* admission. Ms. Simmons will be permitted to appear *pro hac vice* in these cases as back-up counsel only. See 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's motions for *pro hac vice* admission of Ms. Luann L. Simmons are *granted*, and Ms. Simmons is authorized to represent Petitioner as back-up counsel in these proceedings;

FURTHER ORDERED that Petitioner continue to have a registered practitioner as lead counsel in these cases;

FURTHER ORDERED that Ms. Simmons 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

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FURTHER ORDERED that Ms. Simmons is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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