

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC. AND MICRON MEMORY JAPAN, INC.,
Petitioners,

v.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Patent Owner.

Case: IPR2015-01087
U.S. Patent No. 6,057,221

Before KALYAN K. DESHPANDE, BRIAN J. McNAMARA, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

ORDER GRANTING MOTION FOR ADMISSION PRO HAC VICE OF
ROSE CORDERO PREY

37 C.F.R. § 42.10

Petitioners Micron Technology, Inc. and Micron Memory Japan, Inc. move for the *pro hac vice* admission of attorney Rose Cordero Prey in accordance with 37 CFR 42.10. (“Motion,” Paper 7, filed June 9, 2015). Patent Owner, Massachusetts Institute of Technology, does not oppose the Motion. We grant the Motion.

I. Discussion

As set forth in 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. For example, where the lead counsel is a registered practitioner, a non-registered practitioner 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.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, the Board also requires 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 in this proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Order Authorizing Motion for *Pro Hac Vice* Admission, Paper 7 (October 15, 2013) (setting forth requirements for *pro hac vice* admission).¹

Rose Cordero Prey provides uncontroverted testimony that Ms. Prey:

- i. is a membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. has not been subject to any suspensions or disbarments from practice before any court or administrative body;

¹ Available at <http://www.uspto.gov/patents-application-process/appealing-patent-decisions/decisions-and-opinions/representative-orders>.

- iii. has never been denied any application for admission to practice before any court or administrative body ever denied;
- iv. has not been subject to sanctions or contempt citations imposed by any court or administrative body;
- v. has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;
- vi. will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. has not applied to appear *pro hac vice* before the Office in the last three (3) years; and
- viii. has familiarity with the subject matter at issue in the proceeding.

See Motion 2–5 (citing Ex. 1044 (Affidavit of Rose Cordero Prey)).

Petitioners assert that Ms. Prey is trial counsel for Petitioners in co-pending litigation between Petitioners and Patent Owner and is familiar with the subject matter of this proceeding. Motion 3. Thus, Petitioners have shown good cause why Ms. Prey should be recognized *pro hac vice* for purposes of this proceeding. Ms. Prey has provided the requisite affidavit or declaration. Therefore, Ms. Prey has complied with the requirements for admission *pro hac vice* in this proceeding.

II. Order

It is

ORDERED that the Motion seeking admission *pro hac vice* for Rose Cordero Prey is GRANTED;

FURTHER ORDERED that Rose Cordero Prey may not act as lead counsel in the proceeding;

FURTHER ORDERED that a registered practitioner must remain as lead counsel throughout the proceeding; and

FURTHER ORDERED that Rose Cordero Prey 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 the C.F.R.; and

FURTHER ORDERED that Rose Cordero Prey is 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.*, which took effect on May 3, 2013.

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