

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRONG, INC.,
Petitioner,

v.

YEOSHUA SORIAS,
Patent Owner.

Case IPR2015-01317
Patent 8,712,486 B2

Before SALLY C. MEDLEY, GLENN J. PERRY, and
KIMBERLY McGRAW, Administrative Patent Judges.

McGRAW, *Administrative Patent Judge.*

ORDER

Patent Owner's Motion for *Pro Hac Vice* Admission of
Samuel P. Israel and Timothy L. Foster
37 C.F.R. § 42.10(c)

Patent Owner filed a motion for *pro hac vice* admission of Mr. Samuel P. Israel and Mr. Timothy L. Foster. Paper 21. During a conference call with the Board on February 26, 2016, Petitioner indicated it would not oppose Patent Owner's motion. For the reasons provided below, Patent Owner's motion is granted.

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 to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in this proceeding.

In its motion, Patent Owner asserts that there is good cause for Mr. Israel and Mr. Foster's *pro hac vice* admission because: (1) Mr. Israel and Mr. Foster have litigation experience involving intellectual property matters; (2) Mr. Israel and Mr. Foster have an established familiarity with the subject matter at issue in this *inter partes* proceeding. Paper 21 at 2. In support of the motion, Mr. Israel and Mr. Foster each attest to these facts in their respective declarations with sufficient explanations, attest to being a member in good standing of the New York State Bar, and otherwise attest to the

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requirements for pro hac vice admission outlined in *Motorola Mobility LLC v. Patent of Michael Arnouse*, IPR2013-00010 Oct. 15, 2012 (Paper 6). See Exs. 2039, 2040.

Based upon consideration of the motion and the record before us, we grant Patent Owner's Motion for Admission of Mr. Israel and Mr. Foster.

It is therefore ORDERED that Patent Owner's motion for *pro hac vice* admission of Mr. Israel and Mr. Foster for the instant proceeding, to represent Patent Owner as back-up counsel, is granted;

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

FURTHER ORDERED that Mr. Israel and Mr. Foster 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 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.*

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