

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTIVISION BLIZZARD, INC., ELECTRONIC ARTS INC.,
TAKE-TWO INTERACTIVE SOFTWARE, INC.,
2K SPORTS, INC., ROCKSTAR GAMES, INC., and
BUNGIE, INC.,
Petitioner,

v.

ACCELERATION BAY, LLC,
Patent Owner.

Cases IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)^{1,2}
Cases IPR2015-01964, IPR2015-01996 (Patent 6,829,634 B1)
Cases IPR2015-01970, IPR2015-01972 (Patent 6,701,344 B1)

Before SALLY C. MEDLEY, LYNNE E. PETTIGREW and
WILLIAM M. FINK, *Administrative Patent Judges*.

FINK, *Administrative Patent Judge*.

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

² Bungie, Inc., who filed Petitions in IPR2016-00933, IPR2016-00934, IPR2016-00935, IPR2016-00936, IPR2016-00963, and IPR2016-00964, has been joined as a Petitioner in these proceedings.

IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)
IPR2015-01964, IPR2015-01996 (Patent 6,829,634 B1)
IPR2015-01970, IPR2015-01972 (Patent 6,701,344 B1)

ORDER

Granting Patent Owner's Motion for Admission *Pro Hac Vice* —
Paul J. Andre
37 C.F.R. § 42.10

Acceleration Bay, LLC ("Patent Owner") filed a Motion for Admission *Pro Hac Vice* of Paul J. Andre, accompanied by a declaration of Paul J. Andre, in each of the above-identified proceedings. *E.g.*, Case IPR2015-01951, Paper 69.³ Petitioner, Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., Rockstar Games, Inc., and Bungie, Inc., has not filed an opposition to the Motion.

Pursuant to 37 C.F.R. § 42.10(c), we 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. In authorizing motions for *pro hac vice*, we require the moving party to provide a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in the proceeding.

In the Motion, Patent Owner asserts that there is good cause for Mr. Andre's *pro hac vice* admission because he is an experienced litigation attorney and has technical understanding and familiarity with the asserted patents through his representation of Acceleration Bay in district court. *E.g.*, Paper 69, 5. In his declaration, Mr. Andre attests to having been denied *pro hac vice* admission before the Board in an *Inter Partes* Reexamination

³ The declaration (*id.* at Ex. 1) should have been filed as a *separate* exhibit. 37 C.F.R. § 42.63.

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Appeal, Everbridge, Inc., Federal Signal Corp., Twitter, Inc. v. Copper Notification, Inc., Control No. 95/001,425, Appeal 2013-007396 because (1) Patent Owner was already represented by counsel registered before the USPTO, (2) there was no explanation of the relationship between the proceeding and the district court litigation, and (3) Mr. Andre erroneously stated that he would comply with Part 42 of Title 37 of the C.F.R. rather than Part 41. *Id.* at Ex. 1 ¶ 5. Mr. Andre further attests that he never has been denied admission to any other court or administrative body and that he has been admitted *pro hac vice* before the Board in four *inter partes* review proceedings. *Id.* at Ex. 1 ¶¶ 5, 9.

Upon review of Patent Owner's Motion and supporting evidence, we determine that Patent Owner has demonstrated that Paul J. Andre has sufficient legal and technical qualifications to represent Patent Owner in the above-identified proceedings. We also recognize that there is a need for Patent Owner to have him involved in these proceedings.

Accordingly, Patent Owner has established that there is good cause for admitting Paul J. Andre.

It is

ORDERED that Patent Owner's Motion for *Pro Hac Vice* Admission of Paul J. Andre is granted; Mr. Andre is authorized to represent Patent Owner as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the proceedings;

IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)
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FURTHER ORDERED that Paul J. Andre 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 Title 37, 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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