

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

RAYTHEON COMPANY,
Patent Owner.

Case IPR2015-01201
Case IPR2016-00209¹
Patent 5,591,678

Before JENNIFER MEYER CHAGNON, *Administrative Patent Judge*.

DECISION
Petitioner's Motion for *Pro Hac Vice*
Admission of Jennifer Seraphine
37 C.F.R. § 42.10

¹ This order addresses identical motions filed in both cases; therefore, we issue a single order to be entered in each case.

For each of these proceedings, Petitioner filed a motion requesting *pro hac vice* admission of Ms. Jennifer Seraphine (Paper 24, “Mot.”),² with a supporting declaration of Ms. Seraphine (Ex. 1024, “Seraphine Decl.”). Petitioner indicated that the Motion was unopposed (Mot. 2), and Patent Owner did not oppose the motion within the one-week period permitted for filing an opposition. For the reasons stated below, Petitioner’s motion is *granted*.

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). 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.” *Id.* In authorizing a motion 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. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, slip op. at 3 (PTAB Oct. 15, 2013) (Paper 7).

Petitioner provides evidence that Ms. Seraphine is an experienced intellectual property litigation attorney with an established familiarity with the subject matter at issue in these *inter partes* reviews. Mot. 2–3; Seraphine Decl. ¶¶ 1, 9. In particular, Petitioner asserts that “Ms. Seraphine’s

² Unless otherwise noted, citations to the record herein are in reference to IPR2015-01201. The same papers may be found in IPR2016-00209.

familiarity with the subject matter at issue in this proceeding is demonstrated by her review of the '678 patent and the cited prior art and her assistance in drafting the petition for *inter partes* review.” Mot. 3; Seraphine Decl. ¶ 9. Ms. Seraphine attests that she is a member in good standing of the state bars of California, New York, District of Columbia, and Florida (inactive), and has never been suspended or disbarred from practice, denied application to practice, sanctioned, or cited for contempt by any court or administrative body. Seraphine Decl. ¶¶ 2, 4–5; *see* Mot. 2–3.

Based on the facts set forth in support of the motion and Ms. Seraphine’s supporting declaration, we conclude that Petitioner has established good cause for Ms. Seraphine’s *pro hac vice* admission. Ms. Seraphine shall be subject to the Office’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and the Office’s Rules of Professional Conduct set forth in 37 C.F.R. § 11.101 *et seq.* Furthermore, Ms. Seraphine is directed 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 C.F.R. Ms. Seraphine 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).

ORDER

In consideration of the foregoing, it is

ORDERED that Petitioner’s motion for *pro hac vice* admission of Jennifer Seraphine is *granted*, and Ms. Seraphine is authorized to represent Petitioner in the instant proceedings as back-up counsel only;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceedings;

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FURTHER ORDERED that Ms. Seraphine 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 Ms. Seraphine 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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