

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

Granting Petitioner's Motion for *Pro Hac Vice*
Admission of Jacob Zweig
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 Mr. Jacob Zweig (Paper 28, “Mot.”),² with a supporting declaration of Mr. Zweig (Ex. 1025, “Zweig 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 Mr. Zweig 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; Zweig Decl. ¶¶ 1, 3, 8. In particular, Petitioner asserts that “Mr. Zweig’s familiarity with the subject matter at issue in this proceeding is demonstrated

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

by his review of the '678 patent and the cited prior art and his assistance in drafting the petition for *inter partes* review.” Mot. 3; Zweig Decl. ¶ 8.

Mr. Zweig attests that he is a member in good standing of the state bar of California, and has never been suspended or disbarred from practice, denied application to practice, sanctioned, or cited for contempt by any court or administrative body. Zweig Decl. ¶¶ 2, 4–5; *see* Mot. 2–3.

Based on the facts set forth in support of the motion and Mr. Zweig’s supporting declaration, we conclude that Petitioner has established good cause for Mr. Zweig’s *pro hac vice* admission. Mr. Zweig 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, Mr. Zweig is directed to comply with the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), and the Board’s Rules of Practice for Trials, as set forth in Title 37, Part 42 of the C.F.R. Mr. Zweig 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 Jacob Zweig is *granted*, and Mr. Zweig 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;

FURTHER ORDERED that Mr. Zweig is to comply with the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), and the

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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 Mr. Zweig 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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PETITIONER:

Matthew A. Smith
Zhuanjia Gu
TURNER BOYD LLP
smith@turnerboyd.com
gu@turnerboyd.com
docketing@turnerboyd.com

T. Cy Walker
Robert Hails
BAKER & HOSTETLER LLP
cwalker@bakerlaw.com
rhails@bakerlaw.com

PATENT OWNER:

Thomas J. Filarski
Stanley A. Schlitter
John L. Abramic
Daniel S. Stringfield
Brian Fahrenbach
STEPTOE & JOHNSON, LLP
tfilarski@steptoe.com
sschlitter@steptoe.com
jabramic@steptoe.com
dstringfield@steptoe.com
bfahrenbach@steptoe.com