

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

DSS TECHNOLOGY MANAGEMENT, INC.,
Patent Owner.

Case IPR2016-00287 (Patent 6,784,552)
Case IPR2016-00288 (Patent 6,784,552)
Case IPR2016-00289 (Patent 5,965,924)
Case IPR2016-00290 (Patent 5,965,924)¹

Before BRYAN F. MOORE, BRIAN J. McNAMARA, and
MINN CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion for Admission *Pro Hac Vice* of
Michael J. Summersgill
37 C.F.R. § 42.10

¹ This Order will be entered in each case. The parties are not authorized to use this caption style.

IPR2016-00287 (Patent 6,784,552)
IPR2016-00288 (Patent 6,784,552)
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IPR2016-00290 (Patent 5,965,924)

Intel Corporation (“Petitioner”) filed a Motion requesting *pro hac vice* admission of Michael J. Summersgill in these proceedings in accordance with 37 C.F.R. § 42.10, and provided a Declaration from Mr. Summersgill in support of its request. *See* Paper 8; Ex. 1026.² DSS Technology Management, Inc. (“Patent Owner”) has not filed an Opposition to the Motion. For the reasons provided below, Petitioner’s Motion is *granted*.

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 these proceedings. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, slip op. at 3–4 (PTAB Oct. 15, 2013) (Paper 7) (setting forth the requirements for *pro hac vice* admission).

Michael J. Summersgill provides uncontroverted testimony that he:

² Unless otherwise indicated, we refer to Papers and Exhibits filed in IPR2016-00287.

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- i. is a member in good standing of the Bar of the Commonwealth of Massachusetts;
- ii. has not been subject to any suspensions or disbarments from practice before any court or administrative body;
- iii. has never had any application for admission to practice before any court or administrative body 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 listed all other proceedings before the Office for which he has applied to appear *pro hac vice* in the last three (3) years; and
- viii. has familiarity with the subject matter at issue in these proceedings.

Lead counsel for Petitioner, Grant Rowan, who is registered to practice at the USPTO has provided a statement of facts that Michael J. Summersgill is counsel for Petitioner in related co-pending litigation and is familiar with the subject matter at issue in these proceedings. Thus, Petitioner has shown good cause why Michael J. Summersgill should be recognized *pro hac vice* for purposes of these proceedings. Michael J.

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Summersgill has provided the requisite affidavit or declaration. Therefore, Michael J. Summersgill has complied with the requirements for admission *pro hac vice* in these proceedings.

II. ORDER

In consideration of the foregoing, it is hereby
ORDERED that Petitioner's Motion for *pro hac vice* admission of Michael J. Summersgill is *granted*;
FURTHER ORDERED that Michael J. Summersgill may not act as lead counsel in these proceedings;
FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in these proceedings;
FURTHER ORDERED that Michael J. Summersgill 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 Michael J. Summersgill 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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