

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARRIS GROUP, INC.,
Petitioner,

ARUBA NETWORKS, INC.,
HEWLETT PACKARD ENTERPRISE COMPANY, and HP, INC.,
Petitioner,

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2016-00766 (Patent 5,659,891)
Case IPR2016-00768 (Patent 5,659,891)¹

Before MEREDITH C. PETRAVICK, SCOTT A. DANIELS, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

ORDER²

Pro Hac Vice Admission of Henning Schmidt
37 C.F.R. § 42.10

¹ The issues are the same in each of the proceedings listed above. We, therefore, issue one Order to be filed in each proceeding.

² This Order addresses the same or similar issue in the proceedings listed above. Therefore, we issue one Order to be filed in each proceeding. The parties, however, are not authorized to use this style of filing.

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IPR2016-00768 (Patent 5,659,891)

Patent Owner filed Motions for Admission *Pro Hac Vice* of Henning Schmidt (Paper 17³) and an accompanying declarations in support thereof (Paper 18) in both of these proceedings. Petitioners did not file any opposition.

Pursuant to 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. 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 in this proceeding. IPR2013-00639, Paper 7, “Order – Authorizing Motion for *Pro Hac Vice* Admission.”

Lead Counsel for Patent Owner is John Kasha, a registered practitioner. In the Motions, Patent Owner states that there is good cause for the Board to recognize Henning Schmidt *pro hac vice* during these proceedings because Henning Schmidt represents Patent Owner in related matters. Paper 17, 3–4. The motions further assert that Henning Schmidt has experience and familiarity with the subject matter of the patents at issue in these proceedings. *Id.*

Declarations of Henning Schmidt attesting to, and sufficiently explaining, the required facts, accompanies the motions. The Declarations comply with the requirements for *pro hac vice* admission and establish that

³ For the purposes of this Order, IPR2016-00766 is representative and all citations are to papers in IPR2016-00766 unless otherwise noted.

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Henning Schmidt is an experienced attorney with an established familiarity with the subject matter at issue in these proceedings. *See* Paper 18. The Declarations further acknowledge that Henning Schmidt is 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). *Id.* ¶ 7.

Upon consideration, Patent Owner has demonstrated sufficiently that Henning Schmidt has sufficient legal and technical qualifications to represent Patent Owner in this proceeding. Accordingly, Patent Owner has established that there is good cause for admitting Henning Schmidt.

Henning Schmidt may only be designated as backup counsel.

Patent Owner's motions are granted. Patent Owner should update the counsel information in the PTAB E2E filing system.

ORDER

It is:

ORDERED that Patent Owner's Motions for *Pro Hac Vice* Admission of Henning Schmidt is *granted* in each proceeding, and Henning Schmidt is authorized to represent Patent Owner only as back-up counsel in these proceedings;

FURTHER ORDERED that Patent Owner should continue to have a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Henning Schmidt 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

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FURTHER ORDERED that Henning Schmidt is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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