

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., HTC CORPORATION, and HTC AMERICA, INC.,
Petitioner,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Case IPR2016-00923(Patent 5,812,789)¹
Case IPR2016-00924 (Patent 5,960,464)^{2,3}

Before MICHAEL R. ZECHER, JAMES B. ARPIN, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION

Provisionally Granting Petitioner's Unopposed Motions for *Pro Hac Vice*
Admission of Mr. Yakov Zolotorev
37 C.F.R. § 42.10(c)

¹ Case IPR2016-00847 has been joined with this proceeding.

² Case IPR2016-00848 has been joined with this proceeding.

³ This Decision addresses an issue that is identical in both cases. We, therefore, exercise our discretion to issue one Decision to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

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I. INTRODUCTION

Petitioner entity, Apple Incorporated (“Apple”), filed a Motion for Admission *Pro Hac Vice* of Mr. Yakov Zolotorev in each of the proceedings identified above. Paper 25 (“Mot.”).⁴ Patent Owner, Parthenon Unified Memory Architecture Limited Liability Corporation, does not oppose these Motions. Mot. 2. For the reasons provided below, Apple’s Motions are *provisionally granted*.

II. DISCUSSION

In accordance with 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. The representative Order authorizing motions for *pro hac vice* admission requires 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. See Paper 4, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

In these proceedings, lead counsel for Apple, Mr. Andrew S. Ehmke, is a registered practitioner. Mot. 2; Paper 2, 2. Apple asserts that there is good cause for us to recognize Mr. Zolotorev *pro hac vice* in these proceedings. Mot. 2–3. Apple’s assertions in this regard are supported by a Declaration of Mr. Zolotorev. Ex. 1042.

Mr. Zolotorev declares that he is a member in good standing of the State Bar of California, and that he is admitted to practice before at least two

⁴ For purposes of expediency, we refer to the papers filed in Case IPR2016-00923. Similar papers were filed in Case IPR2016-00924.

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district courts. Ex. 1042 ¶ 5. Mr. Zolotorev also declares that he is familiar with the subject matter at issue in these proceedings, particularly because he represents Apple in the related district court case. *Id.* ¶¶ 3, 4. With the exception of referring to the Office’s previous Rules of Professional Conduct set forth in 37 C.F.R. §§ 10.20 *et seq.*, instead of referring to the Office’s current Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* (Ex. 1042 ¶ 10), the facts alleged in Mr. Zolotorev’s Declaration comply with all the requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. *See* Ex. 1042 ¶¶ 1, 2, 6–9, 11; Mot. 2–3.

On this record, we determine that Mr. Zolotorev has sufficient legal and technical qualifications to represent Apple in these proceedings. Accordingly, Apple has established that there is good cause for the *pro hac vice* admission of Mr. Zolotorev in these proceedings, subject to Mr. Zolotorev filing a corrected declaration in each case, separately as an exhibit, indicating that he will be subject to the Office’s Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

III. ORDER

Accordingly, it is

ORDERED that Apple’s Motions for Admission *Pro Hac Vice* of Mr. Yakov Zolotorev are *provisionally granted*;

FURTHER ORDERED that Mr. Zolotorev is authorized to represent Apple as back-up counsel in these proceedings only;

FURTHER ORDERED that Apple is to continue to have a registered practitioner represent it as lead counsel in these proceedings;

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FURTHER ORDERED that Mr. Zolotorev shall 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 Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that, upon filing a corrected declaration in each case, Mr. Zolotorev shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), as well as the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and shall be admitted *pro hac vice* in these proceedings, effective as of the date of this Decision, without further action by us.

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