

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

Granting Petitioner's Unopposed Motions for
Pro Hac Vice Admission of Mr. Curt Holbreich
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 entities, HTC Corp. and HTC America, Inc. (collectively, “HTC”), filed Motions for *Pro Hac Vice* Admission of Mr. Curt Holbreich. Paper 18 (“Mot.”).⁴ HTC represents that neither Petitioner entity, Apple Inc., nor Patent Owner, Parthenon Unified Memory Architecture LLC, opposes these Motions. Mot. 2. For the reasons provided below, HTC’s Motions are *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 HTC, Mr. Joseph A. Micallef, is a registered practitioner. Mot. 3. HTC asserts that there is good cause for us to recognize Mr. Holbreich *pro hac vice* in these proceedings. Mot. 3–5. HTC’s assertions in this regard are supported by the Declaration of Mr. Holbreich. Ex. 1041.

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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Mr. Holbreich declares that he is a member in good standing of the Bar of the State of California. Ex. 1041 ¶ 1. Mr. Holbreich also declares that he is familiar with the subject matter at issue in these proceedings, particularly because he represents HTC in the related district court case. *Id.* ¶¶ 8, 9. The facts alleged in the Declaration of Mr. Holbreich satisfy all the remaining requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. See Ex. 1041 ¶¶ 2–7, 10; Mot. 3–5.

On this record, we determine that Mr. Holbreich has sufficient legal and technical qualifications to represent HTC in these proceedings. Accordingly, HTC has established that there is good cause for the *pro hac vice* admission of Mr. Holbreich in these proceedings.

III. ORDER

Accordingly, it is

ORDERED that Petitioner's Unopposed Motions for *Pro Hac Vice* Admission of Mr. Curt Holbreich are *granted*. Mr. Holbreich is authorized to represent HTC as back-up counsel in these proceedings only;

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

FURTHER ORDERED that Mr. Holbreich shall comply with the Office Patent Trial Practice Guide 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 Mr. Holbreich 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.*

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