

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YMAX CORPORATION,
Petitioner,

v.

FOCAL IP, LLC,
Patent Owner.

Case: IPR2016-01256 (Patent 8,155,298 B2) and
Case: IPR2016-01258 (Patent 7,764,777 B2)¹

Before SALLY C. MEDLEY, JONI Y. CHANG, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion for Admission *Pro Hac Vice* of
David Brafman
37 C.F.R. § 42.10

Petitioner moves for *pro hac vice* admission of Mr. David Brafman.
See, e.g., IPR2016-01256, Paper 10.² Petitioner provides Declarations from

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

² Citations herein will be to IPR2016-01256, unless otherwise noted.

IPR2016-01256 (Patent 8,155,298 B2)

IPR2016-01258 (Patent 7,764,777 B2)

Mr. Brafman in support of its Motions. *See, e.g., Id.*³ Patent Owner has not filed an opposition to Petitioner's Motions.

Based on the facts set forth in the Motions and the accompanying Declarations from Mr. Brafman, we conclude that Mr. Brafman has sufficient legal and technical qualifications to represent Petitioner in these cases, that Mr. Brafman has demonstrated the necessary familiarity with the subject matter of these cases, and that there is a need for Petitioner to have counsel with experience as a litigation attorney in patent matters involved in these cases. Accordingly, Petitioner has established good cause for Mr. Brafman *pro hac vice* admission. Mr. Brafman will be permitted to appear *pro hac vice* in these cases as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Mr. David Brafman, and Mr. Brafman is authorized to represent Petitioner as back-up counsel in these cases;

FURTHER ORDERED that Petitioner continue to have a registered practitioner as lead counsel in these cases;

FURTHER ORDERED that Mr. Brafman 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

³ Petitioner attached the Declaration of Mr. David Brafman to its Motion. Petitioner is reminded that such evidence must be filed as a separate exhibit in each proceeding and uniquely numbered sequentially in the range of 1001–1999. *See* 37 C.F.R. § 42.63(c).

IPR2016-01256 (Patent 8,155,298 B2)

IPR2016-01258 (Patent 7,764,777 B2)

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

PETITIONER:

Mark Passler

ip@akerman.com

Bruce Dumais

Brice.dumais@akerman.com

PATENT OWNER:

Brent Bumgardner

bbumgardner@nbclaw.net

John Murphy

murphy@nelbum.com