

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
Petitioner,

v.

FOCAL IP, LLC,  
Patent Owner.

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Cases: IPR2016-01254<sup>1</sup>  
Patent 8,457,113 B2

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

PARVIS, *Administrative Patent Judge*.

DECISION

Conditionally Granting Patent Owner's Motions for Admission  
*Pro Hac Vice* of Hanna F. Madbak  
37 C.F.R. § 42.10

Patent Owner moves for *pro hac vice* admission of Mr. Hanna F. Madbak. *See, e.g.*, IPR2016-01254, Paper 20. Patent Owner indicates it has conferred with Petitioner, and Petitioner does not oppose Patent Owner's

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<sup>1</sup> This Order addresses the same issues in the *inter partes* reviews listed in the Appendix. Therefore, we issue one Order to be filed in all of the cases. The parties, however, are not authorized to use this style of filing in subsequent papers.

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Motions. *Id.* Patent Owner provides Declarations from Mr. Madbak in support of its Motions. *See, e.g.*, IPR2016-01254, Ex. 2008.

Neither the Motions nor Mr. Madbak's Declarations identify other proceedings before the Office for which Mr. Madbak has applied to appear *pro hac vice* in the last three (3) years, or indicate that no such applications were sought. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, slip op. at 3 (PTAB Oct. 15, 2013) (Paper 7) (setting forth the requirements for *pro hac vice* admission). Additionally, upon review of the record before us, we note that powers of attorney in accordance with 37 C.F.R. § 42.10(b) have not been submitted for Mr. Madbak in these cases.

In view of the above, Patent Owner's motions are conditionally granted, and are to be effective after a corrected declaration and power of attorney is filed in each case. Mr. Madbak's corrected declaration should identify all other proceedings before the Office for which Mr. Madbak has applied to appear *pro hac vice* in the last three (3) years, or indicate that no such applications were sought.

For the foregoing reasons, it is hereby:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Hanna F. Madbak are *conditionally granted* provided that within seven (7) business days of the date of this order, Patent Owner submits in each of the instant cases Mr. Madbak's corrected declaration and a Power of Attorney in accordance with 37 C.F.R. § 42.10(b); Mr. Madbak is authorized to act as back-up counsel in these cases only;

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

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FURTHER ORDERED that Mr. Madbak 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 Mr. Madbak 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.*

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APPENDIX<sup>2</sup>

| U.S. Patent No. | <i>Inter Partes</i> Review | Patent Owner's Motion <sup>3</sup> |
|-----------------|----------------------------|------------------------------------|
| 7,764,777 B2    | IPR2016-01258              | Paper 18                           |
|                 | IPR2016-01262              | Paper 25                           |
| 8,155,298 B2    | IPR2016-01256              | Paper 18                           |
|                 | IPR2016-01259              | Paper 29                           |
|                 | IPR2016-01263              | Paper 32                           |
| 8,457,113 B2    | IPR2016-01254              | Paper 20                           |
|                 | IPR2016-01257              | Paper 20                           |
|                 | IPR2016-01260              | Paper 17                           |
|                 | IPR2016-01261              | Paper 25                           |

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<sup>2</sup> Bright House Networks, LLC, WideOpenWest Finance, LLC, Knology of Florida, Inc., and Birch Communications, Inc. are Petitioner in IPR2016-01259, -01261, -01262, and -01263.

YMax Corporation is Petitioner in IPR2016-01256, -01258, and -01260.

Cisco Systems, Inc. is Petitioner in IPR2016-01254 and -01257.

<sup>3</sup> The Declaration of Mr. Madbak is filed as Exhibit 2008 in each of the cases listed in this Appendix.