

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YMAX CORPORATION,
Petitioner,

v.

FOCAL IP, LLC,
Patent Owner.

Case: IPR2016-01260
Patent 8,457,113 B2

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 Paper 11. Petitioner provides a Declaration from Mr. Brafman in
support of its Motion. *Id.*¹ Patent Owner has not filed an opposition to

¹ Petitioner attached the Declaration of Mr. David Brafman to its Motion.
Petitioner is reminded that such evidence must be filed as a separate exhibit

Petitioner's Motion.

Based on the facts set forth in the Motion and the accompanying Declaration from Mr. Brafman, we conclude that Mr. Brafman has sufficient legal and technical qualifications to represent Petitioner in this case, that Mr. Brafman has demonstrated the necessary familiarity with the subject matter of this case, and that there is a need for Petitioner to have counsel with experience as a litigation attorney in patent matters involved in this case. Accordingly, Petitioner has established good cause for Mr. Brafman's *pro hac vice* admission. Mr. Brafman will be permitted to appear *pro hac vice* in this case 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 Motion for *pro hac vice* admission of Mr. David Brafman is *granted*, and Mr. Brafman is authorized to represent Petitioner as back-up counsel in this case;

FURTHER ORDERED that Petitioner continue to have a registered practitioner as lead counsel in this case;

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

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.*

in each proceeding and uniquely numbered sequentially in the range of 1001–1999. *See* 37 C.F.R. § 42.63(c).

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