

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRIGHT HOUSE NETWORKS, LLC, WIDEPEN WEST FINANCE,
LLC, KNOLOGY OF FLORIDA, INC., and BIRCH
COMMUNICATIONS, INC.,
Petitioner,

v.

FOCAL IP, LLC,
Patent Owner.

Cases: IPR2016-01259 and IPR2016-01263¹
Patent 8,155,298 B2

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

PARVIS, *Administrative Patent Judge*.

DECISION

Dismissing Petitioner's Motion for Admission *Pro Hac Vice* of
Sarah J. Guske
37 C.F.R. § 42.10

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.

Petitioner moves for *pro hac vice* admission of Ms. Sarah J. Guske. *See, e.g.*, IPR2016-01259, Paper 14.² Petitioner provides Declarations from Ms. Guske in support of its Motions. *See, e.g., Id.* at Exhibit A.

Petitioner's Motions do not comply with all of the requirements of 37C.F.R. § 42.10—namely that “the party must designate . . . at least one back-up counsel” and “[t]he Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause.” *See* 37 C.F.R. § 42.10(a),(c). Each of Petitioner's Motions contain statements indicating that Cisco Systems, Inc. is the petitioner. Paper 14, 1, 2. For example, Petitioner states “Petitioner Cisco Systems, Inc. (“Cisco”) respectfully requests that the Board recognize Ms. Guske as counsel *pro hac vice* during this proceeding.” *Id.* at 1. Additionally, Petitioner states “[t]herefore, Cisco respectfully submits that there is good cause for the Board to recognize Ms. Guske as counsel *pro hac vice* during this proceeding.” *Id.* at 2.

However, in this proceeding Bright House Networks, LLC, WideOpen West Finance, LLC, Knology of Florida, Inc., and Birch Communications, Inc. collectively are the petitioner. *See* Paper 1, 2. Petitioner's statements regarding Cisco Systems, Inc. do not satisfy the requirement that Ms. Guske be designated by Petitioner in this proceeding, i.e., Bright House Networks, LLC, WideOpen West Finance, LLC, Knology of Florida, Inc., and Birch Communications, Inc. Additionally, the statements do not satisfy the showing of good cause with respect to Petitioner in this proceeding.

² Citations herein will be to IPR2016-01259, unless otherwise noted.

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Petitioner is further reminded of other requirements for *pro hac vice* motions. For example, Ms. Guske attests that she agrees to be subject to the Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* Paper 14, Ex. A ¶ 10. However, new Rules of Professional Conduct have been adopted and took affect May 3, 2013. *See Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule*, 78 Fed. Reg. 20180 (Apr. 3, 2013). Additionally, Petitioner attached Exhibit A to its Motion. However, 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). Petitioner further is reminded that motions for *pro hac vice* admission shall be filed in accordance with the Order Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.” Paper 6, 2.

For the foregoing reasons, it is hereby:

ORDERED that Petitioner’s Motions for *pro hac vice* admission of Ms. Sarah J. Guske are *dismissed without prejudice*; and

FURTHER ORDERED that Petitioner is authorized to file corrected Motions for *pro hac vice* admission of Ms. Guske.

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