

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LIMESTONE MEMORY SYSTEMS LLC,
Patent Owner.

Case IPR2016-01561
Patent 6,233,181 B1

Before BART A. GERSTENBLITH, BARBARA A. PARVIS, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

DECISION
Motion for *Pro Hac Vice* Admission
37 C.F.R. § 42.10

I. INTRODUCTION

Petitioner filed a motion for *pro hac vice* admission of Michael N. Zachary in this proceeding. Paper 6 (“Motion” or “Mot.”). Patent Owner did not file an opposition to the Motion.¹ For the following reasons, the Motion is *granted*.

II. ANALYSIS

Counsel may be admitted *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner. 37 C.F.R. § 42.10(c). Specifically, if lead counsel is a registered practitioner, back-up counsel may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.* For the reasons set forth in the Motion and the accompanying affidavit of Mr. Zachary (Ex. 1017), we find that good cause exists to admit Mr. Zachary *pro hac vice* in this proceeding.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion is *granted*, and Michael N. Zachary is authorized to represent Petitioner as back-up counsel in the above-listed proceeding;

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above-listed proceeding; and

¹ Petitioner does not indicate in the Motion whether Patent Owner opposes the requested relief. In the future, we expect the moving party to meet and confer with the non-moving party and indicate in the motion whether the non-moving party opposes the requested relief.

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FURTHER ORDERED that Mr. Zachary is to comply with the Board's Rules of Practice for Trials set forth in Part 42 of Title 37, Code of Federal Regulations, and the Office Patent Trial Practice Guide, and is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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