

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

VALENCELL, INC.
Patent Owner.

Case IPR2017-00315 Patent 8,929,965 B2
Case IPR2017-00317 Patent 8,989,830 B2
Case IPR2017-00318 Patent 8,886,269 B2
Case IPR2017-00319 Patent 8,923,941 B2
Case IPR2017-00321 Patent 8,923,941 B2¹

Before BRIAN J. McNAMARA, JAMES B. ARPIN, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

DECISION

Patent Owner's Motions for *Pro Hac Vice* Admission of T. William Kennedy
37 C.F.R. § 42.10(c)

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 are not authorized to use a multiple case caption.

IPR2017-00315 (Patent 8,929,965 B2)
IPR2017-00317 (Patent 8,989,830 B2)
IPR2017-00318 (Patent 8,886,269 B2)
IPR2017-00319 (Patent 8,923,941 B2)
IPR2017-00321 (Patent 8,923,941 B2)

I. INTRODUCTION

Patent Owner, Valencell, Inc. (“Patent Owner”), filed a Motion for *Pro Hac Vice* Admission of Mr. T. William Kennedy in each proceeding identified above. Paper 14 (“Mot.”).² Petitioner did not file any oppositions. For the reasons provided below, Patent Owner’s Motions are *granted*.

II. DISCUSSION

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

In these proceedings, lead counsel for Patent Owner, Mr. Justin B. Kimble, is a registered practitioner. Mot. 1; Paper 5, 1. Patent Owner asserts that there is good cause for us to recognize Mr. Kennedy *pro hac vice* in these proceedings. Mot. 1–2. Patent Owner’s assertions in this regard are supported by the Declaration of Mr. Kennedy. Ex. 2008.

² We refer to the papers and exhibits filed in Case IPR2017-00315 as representative.

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Mr. Kennedy declares that he is a member in good standing of the State Bar of Texas. Ex. 2008 ¶ 2. Mr. Kennedy also declares that he is familiar with the subject matter at issue in each of these proceedings, particularly because he has been involved in numerous other matters involving technology related to the patents in dispute here. *Id.* ¶ 9. In addition, the facts alleged in Mr. Kennedy's Declaration comply with the requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. See Ex. 2008 ¶¶ 2–7; Mot. 1–4.

On this record, we determine that Mr. Kennedy has sufficient legal and technical qualifications to represent Patent Owner in these proceedings. Accordingly, Patent Owner has established that there is good cause for the *pro hac vice* admission of Mr. Kennedy in these proceedings.

III. ORDER

Accordingly, it is

ORDERED that Patent Owner's Motions for *Pro Hac Vice* Admission of Mr. T. William Kennedy are GRANTED. Mr. Kennedy is authorized to represent Patent Owner as back-up counsel in each of these proceedings only;

FURTHER ORDERED that Patent Owner shall continue to have a registered practitioner represent it as lead counsel in each of these proceedings;

FURTHER ORDERED that Mr. Kennedy shall comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

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

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