

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP., CAVIUM, LLC, and
DELL INC.,¹
Petitioner,

v.

ALACRITECH, INC.,
Patent Owner.

Case IPR2018-00226 (Patent 7,124,205 B2)
Case IPR2018-00234 (Patent 8,805,948 B2)

Before STEPHEN C. SIU, DANIEL N. FISHMAN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

DECISION

Petitioner's Unopposed Motion for Admission *Pro Hac Vice* of
Brady Cox
37 C.F.R. § 42.10

¹ Cavium, Inc., which filed petitions in Cases IPR2018-00400 and IPR2018-00403 and Dell Inc., which filed petitions in IPR2018-01306 and IPR2018-01307, were joined as petitioners in IPR2018-00226 and IPR2018-00234, respectively. According to updated mandatory notices filed in the captioned proceedings, Cavium, Inc. has now been converted to Cavium, LLC. *See, e.g.*, IPR2018-00226, Paper 28.

Case IPR2018-00226 (Patent 7,124,205 B2)

Case IPR2018-00234 (Patent 8,805,948 B2)

Petitioner (“Dell Inc.”) filed an Unopposed Motion for Admission *Pro Hac Vice* of Brady Cox in the above-captioned proceedings. IPR2018-00226 Paper 69; IPR2018-00234 Paper 60 (collectively “Motions”). Petitioner also filed Declarations of Mr. Cox in support of its Motions.² IPR2018-00226 Ex. 1503; IPR2018-00234 Ex. 1503. With the exception of referring to the Office’s previous Rules of Professional Conduct set forth in parts 10 and 11 of 37 C.F.R., instead of the Office’s current Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* (Ex. 1503 ¶ 8), the facts alleged in the Declarations comply with all of the requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. *See* Ex. 1503 ¶¶ 2–5, 7, 8; Mot. 2–3.

The Motions represents that Patent Owner does not oppose. IPR2018-00226 Paper 69, 9; IPR2018-00234 Paper 60, 8. We have reviewed the submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Mr. Cox *pro hac vice*, subject to Mr. Cox filing a corrected declaration, separately as an exhibit in each case, indicating that he will be subject to the Office’s Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

² Petitioner’s Motions erroneously refer to the Declaration as Exhibit 1500. We located the Declaration as Exhibit 1503 in both cases. We find Petitioner’s typographic error to be harmless.

Case IPR2018-00226 (Patent 7,124,205 B2)

Case IPR2018-00234 (Patent 8,805,948 B2)

It is, therefore,

ORDERED that Petitioner's Unopposed Motions for Admission *Pro Hac Vice* of Brady Cox are *provisionally granted*, subject to Mr. Cox filing a corrected declaration, separately as an exhibit in each case, indicating that he will be subject to the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*;

FURTHER ORDERED that Mr. Cox will be authorized to represent Petitioner only as back-up counsel in the instant proceeding;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceeding;

FURTHER ORDERED that Mr. Cox is to 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, upon filing corrected declarations, Mr. Cox shall be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

Case IPR2018-00226 (Patent 7,124,205 B2)

Case IPR2018-00234 (Patent 8,805,948 B2)

For PETITIONER:

Garland Stephens

Anne Cappella

Justin Constant

William Ansley

Melissa Hotze

WEIL, GOTSHAL & MANGES LLP

garland.stephens@weil.com

anne.cappella@weil.com

justin.constant@weil.com

sutton.ansley@weil.com

melissa.hotze@weil.com

David Xue

RIMON PC

david.xue@rimonlaw.com

Brady Cox

ALSTON & BIRD LLP

brady.cox@alston.com

For PATENT OWNER:

Jim Glass

Joseph Paunovich

Brian Mack

QUINN EMANUEL URQUHART & SULLIVAN

jimglass@quinnemanuel.com

joepaunovich@quinnemanuel.com

brianmack@quinnemanuel.com