

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONOS, INC.,  
Petitioner,

v.

IMPLICIT, LLC,  
Patent Owner.

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IPR2018-00766 (Patent 7,391,791 B2)<sup>1</sup>  
IPR2018-00767 (Patent 8,942,252 B2 )

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Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and  
NABEEL U. KHAN, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

Patent Owner's Unopposed Motions for  
*Pro Hac Vice* Admission of William E. Davis, III  
37 C.F.R. § 42.10(c)

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<sup>1</sup> This Order addresses issues that are identical in each of these cases. Therefore, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers without prior authorization.

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## I. INTRODUCTION

Implicit, LLC (“Patent Owner”), filed an Unopposed Motion for *Pro Hac Vice* Admission of Mr. William E. Davis, III in each of the respective proceedings identified above. Paper 18 (“Mot.”).<sup>2</sup> A supporting Declaration was attached to the Motion. The Motion is unopposed. 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”)).

Patent Owner asserts that there is good cause for us to recognize Mr. Davis *pro hac vice* in these proceedings. Mot. 1–2. Patent Owner’s assertions in this regard are supported by the Declaration of Mr. Davis. Mot. 4–5.

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<sup>2</sup> We refer to the papers and exhibits filed in Case IPR2018-00766 as representative.

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Mr. Davis declares that he is a member in good standing of the bar of Texas. Mot. 4. Mr. Davis also declares that he is familiar with the subject matter at issue in each of these proceedings. *Id.* at 4–5. In addition, the facts alleged in Mr. Davis’s Declaration comply with the requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. *See id.*

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

### III. ORDER

Accordingly, it is

ORDERED that Patent Owner’s Unopposed Motions for *Pro Hac Vice* Admission of Mr. William E. Davis, III are GRANTED. Mr. Davis 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. Davis 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

FURTHER ORDERED that Mr. Davis 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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