

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,  
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,  
Patent Owner.

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Case IPR2018-00952  
Patent 9,253,239 B2

Before BRYAN F. MOORE, BRIAN J. McNAMARA, and MINN CHUNG,  
*Administrative Patent Judges.*

CHUNG, *Administrative Patent Judge.*

DECISION

Granting Patent Owner's Motion for Admission *Pro Hac Vice* of  
Michael N. Zachary  
*37 C.F.R. § 42.10*

Bradium Technologies, LLC (“Patent Owner”) filed a Motion requesting *pro hac vice* admission of Michael N. Zachary in this proceeding in accordance with 37 C.F.R. § 42.10, and provided a Declaration from Mr. Zachary in support of its request. *See* Paper 9; Ex. 2003. United Patents Inc. (“Petitioner”) does not oppose the Motion. For the reasons provided below, Patent Owner’s Motion is *granted*.

### I. DISCUSSION

As set forth in 37 C.F.R. § 42.10(c), the Board 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. For example, where the lead counsel is a registered practitioner, a non-registered practitioner 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.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, the Board also requires a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in this proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, slip op. at 3–4 (PTAB Oct. 15, 2013) (Paper 7) (setting forth the requirements for *pro hac vice* admission).

Michael N. Zachary provides uncontroverted testimony that he:

- i. is a member in good standing of the Bar of at least one State or the District of Columbia;
- ii. has not been subject to any suspensions or disbarments from practice before any court or administrative body;

- iii. has never had any application for admission to practice before any court or administrative body denied;
- iv. has not been subject to sanctions or contempt citations imposed by any court or administrative body;
- v. has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;
- vi. will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. has listed all other proceedings before the Office for which he has applied to appear *pro hac vice* in the last three (3) years; and
- viii. has familiarity with the subject matter at issue in this proceeding.

Lead counsel for Patent Owner, Chris J. Coulson, who is registered to practice at the USPTO has provided a statement of facts that Mr. Zachary is counsel for Patent Owner in related district court litigation and is familiar with the subject matter at issue in this proceeding. Thus, Patent Owner has shown good cause why Michael N. Zachary should be recognized *pro hac vice* for purposes of this proceeding. Mr. Zachary has provided the requisite affidavit or declaration. Therefore, Michael N. Zachary has complied with the requirements for admission *pro hac vice* in this proceeding.

## II. ORDER

In consideration of the foregoing, it is hereby  
ORDERED that Patent Owner's Motion for *pro hac vice* admission of  
Michael N. Zachary is *granted*;

FURTHER ORDERED that Michael N. Zachary may not act as lead  
counsel in this proceeding;

FURTHER ORDERED that Patent Owner is to continue to have a  
registered practitioner represent it as lead counsel in this proceeding;

FURTHER ORDERED that Michael N. Zachary 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 Michael N. Zachary is to be subject to the  
Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the  
USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et.*  
*seq.*, which took effect on May 3, 2013.

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PETITIONER:

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