

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SHOPIFY, INC.,  
Petitioner,

v.

DDR HOLDINGS, LLC,  
Patent Owner.

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IPR2018-01008 and IPR2018-01011 (Patent 9,639,876 B1)  
IPR2018-01009 and IPR2018-01012 (Patent 9,043,228 B1)  
IPR2018-01010 and IPR2018-01014 (Patent 8,515,825 B1)<sup>1</sup>

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Before CARL M. DEFRANCO, PATRICK M. BOUCHER, and  
ALYSSA A. FINAMORE, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for Admission  
*Pro Hac Vice* of Ian B. Crosby  
37 C.F.R. § 42.10

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<sup>1</sup> This Order addresses issues that are the same in the above-identified proceedings. We exercise our discretion to issue one Order to be entered in each proceeding. The parties are not authorized to use a multi-proceeding caption.

IPR2018-01008, IPR2018-01011 (Patent 9,639,876 B1)  
IPR2018-01009, IPR2018-01012 (Patent 9,043,228 B1)  
IPR2018-01010, IPR2018-01014 (Patent 8,515,825 B1)

On January 4, 2019, DDR Holdings, LLC (“Patent Owner”) filed motions for admission *pro hac vice* of Ian B. Crosby in the above-identified proceedings (collectively “Motions”). Paper 14.<sup>2</sup> Patent Owner also filed declarations of Mr. Crosby in support of the Motions (collectively “Declarations”). Ex. 2024.<sup>3</sup> Patent Owner represents that “Petitioner has indicated that it has no objection to Mr. Crosby’s admission *pro hac vice*.” Paper 14, 3. For the reasons provided below, Patent Owner’s Motions are *granted*.

Pursuant to 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. In its notice authorizing motions for *pro hac vice* admission, the Board 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* Paper 6, 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”)).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Crosby has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Crosby has

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<sup>2</sup> We cite to Papers filed in IPR2018-01008. On January 4, 2019, Patent Owner filed similar Motions in IPR2018-01009 (Paper 12), IPR2018-01010 (Paper 10), IPR2018-01011 (Paper 12), IPR2018-01012 (Paper 12), and IPR2018-01014 (Paper 12).

<sup>3</sup> We cite to Exhibits filed in IPR2018-01008. On January 4, 2019, Patent Owner filed similar Declarations in IPR2018-01009 (Ex. 2024), IPR2018-01010 (Ex. 2024), IPR2018-01011 (Ex. 2024), IPR2018-01012 (Ex. 2024), and IPR2018-01014 (Ex. 2024).

IPR2018-01008, IPR2018-01011 (Patent 9,639,876 B1)  
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demonstrated sufficient familiarity with the subject matter of these proceedings, and that Patent Owner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Crosby. Mr. Crosby will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that a Power of Attorney has not been submitted for Mr. Crosby. Accordingly, Patent Owner must submit a Power of Attorney for Mr. Crosby in accordance with 37 C.F.R. § 42.10(b), and must update its mandatory notices as required by 37 C.F.R. § 42.8(b)(3).

## ORDER

It is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Ian B. Crosby are *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Crosby is authorized to represent Patent Owner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Crosby is to comply with the Office Patent Trial Practice Guide, as updated by the August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Crosby shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of

IPR2018-01008, IPR2018-01011 (Patent 9,639,876 B1)  
IPR2018-01009, IPR2018-01012 (Patent 9,043,228 B1)  
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Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*;<sup>4</sup>

FURTHER ORDERED that, within seven (7) business days of the date of this Order, Patent Owner must submit Powers of Attorney for Mr. Crosby in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b); and

FURTHER ORDERED that Patent Owner shall file updated Mandatory Notices in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.8(b)(3), identifying Mr. Crosby as back-up counsel.

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<sup>4</sup> In the Declarations, Mr. Crosby indicates he will be subject to the USPTO Rules of Professional *Responsibility*, as opposed to USPTO Rules of Professional *Conduct*. Ex. 2024 ¶ 6. We deem this harmless error.

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