

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,  
Patent Owner.

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Case IPR2018-01079 (Patent 8,213,970 B2)  
Case IPR2018-01080 (Patent 9,408,055 B2)<sup>1</sup>

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Before TREVOR M. JEFFERSON, CHRISTA P. ZADO, and  
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

ORDER

*Pro Hac Vice* Admission of  
Mr. Michael A. Berta  
*37 C.F.R. § 42.10(c)*

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<sup>1</sup> This Order applies to both cases. The parties are not authorized to use this style heading for any subsequent papers.

Case IPR2018-01079 (Patent 8,213,970 B2)

Case IPR2018-01080 (Patent 9,408,055 B2)

## I. DISCUSSION

Google, LLC (“Petitioner”) has filed authorized motions for Admission *Pro Hac Vice* of Mr. Michael A. Berta (IPR2018-01079, Paper 15; IPR2018-01080, Paper 13) in the above-identified proceedings (“Motions”). The Motions are supported by Declarations of Mr. Berta (IPR2018-01079, Ex. 1021; IPR2018-01080, Ex. 1042). AGIS Software Development, LLC (“Patent Owner”) has not opposed the Motions.

Petitioner asserts there is good cause for us to recognize Mr. Berta *pro hac vice* in these proceedings. Paper 13, 7.<sup>2</sup> Petitioner’s assertions in this regard are supported by the Declarations of Mr. Berta. (IPR2018-01079, Ex. 1021; IPR2018-01080, Ex. 1042). Upon review, the facts alleged in Mr. Berta’s Declarations comply with all the requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. *See* Ex. 1042 ¶¶ 1–16; *see also* Paper 13, 1 (*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”)).

On this record, we determine that Petitioner has established good cause for the *pro hac vice* admission of Mr. Berta in these proceedings. Accordingly, the Motions are *granted*.

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<sup>2</sup> The papers and exhibits filed in the two proceedings relating to the Motions are substantially the same. Unless stated otherwise, herein we cite to IPR2018-01080.

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#### IV. ORDER

It is therefore,

ORDERED that Petitioner's Motions for Admission *Pro Hac Vice* of Mr. Michael A. Berta are *granted*;

FURTHER ORDERED that Mr. Berta is authorized to represent Petitioner as back-up counsel only in these proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Berta shall 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 July 2019 Update (84 Fed. Reg. 33,925 (July 16, 2019), 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. Berta shall be 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*; and

FURTHER ORDERED that Petitioner shall, within ten (10) business days of the date of this Order, file updated mandatory notices identifying Mr. Berta as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

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