

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC, ZTE (USA), INC.,  
SAMSUNG ELECTRONICS CO., LTD.,  
LG ELECTRONICS INC., HUAWEI DEVICE USA, INC.,  
HUAWEI DEVICE CO. LTD., HUAWEI TECHNOLOGIES CO. LTD.,  
HUAWEI DEVICE (DONGGUAN) CO. LTD.,  
HUAWEI INVESTMENT & HOLDING CO. LTD.,  
HUAWEI TECH. INVESTMENT CO. LTD., and  
HUAWEI DEVICE (HONG KONG) CO. LTD.,  
Petitioner,

v.

CYWEE GROUP LTD.,  
Patent Owner.

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IPR2018-01257 (Patent 8,552,978 B2)  
IPR2018-01258 (Patent 8,441,438 B2)<sup>1</sup>

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Before PATRICK M. BOUCHER, KAMRAN JIVANI, and  
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for Admission  
*Pro Hac Vice* of Michael W. Shore  
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 this joint heading and filing style in their papers.

IPR2018-01257 (Patent 8,552,978 B2)

IPR2018-01258 (Patent 8,441,438 B2)

On June 28, 2019, Patent Owner filed motions for admission *pro hac vice* of Michael W. Shore in each of the above-identified proceedings (collectively “Motions”). Paper 33.<sup>2</sup> Patent Owner also filed declarations of Mr. Shore in support of the Motions (collectively “Declarations”). Ex. 2017.<sup>3</sup> Petitioner has not filed an opposition to the Motions. 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 5, 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. Shore has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Shore has 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.

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<sup>2</sup> We cite to Papers filed in IPR2018-01257. Patent Owner filed a similar Motion in IPR2018-01258 (Paper 33).

<sup>3</sup> We cite to Exhibits filed in IPR2018-01257. Patent Owner filed a similar Declaration in IPR2018-01258 (Ex. 2017).

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Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Shore.

We acknowledge that Mr. Shore discloses an instance in which he was instructed by a court not to send opposing counsel emails for a limited period during a past trial. Ex. 2017 ¶ 8. We do not find that the incident described by Mr. Shore warrants a denial of Patent Owner's Motions.

Mr. Shore is reminded, however, that he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

A Power of Attorney has not been submitted for Mr. Shore. Accordingly, Patent Owner must submit a Power of Attorney for Mr. Shore 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).

Accordingly, it is:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Michael W. Shore 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. Shore is authorized to represent Patent Owner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Shore 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;

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FURTHER ORDERED that Mr. Shore shall 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.*;<sup>4</sup>

FURTHER ORDERED that, within ten (10) business days of the date of this Order, Patent Owner must submit Powers of Attorney for Mr. Shore 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. Shore as back-up counsel.

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<sup>4</sup> In the Declarations, Mr. Shore indicates he will be subject to the *USPTO Code of Professional Responsibility* set forth in 37 C.F.R. §§ 10.20 *et seq.*, as opposed to the *USPTO Rules of Professional Conduct* set forth in 37 C.F.R. §§ 11.101 *et. seq.* Ex. 2017 ¶ 10. We deem this harmless error.

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