

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., HTC CORPORATION, HTC AMERICA, INC.,
AND ZTE (USA) INC.,

Petitioner,

v.

INVT SPE LLC,
Patent Owner.

Case IPR2018-01472 - Patent 6,466,563 B1
Case IPR2018-01473 - Patent 6,611,676 B2
Case IPR2018-01475 - Patent 7,760,815 B2¹

Before THU A. DANG, KEVIN F. TURNER, and
BARBARA A. BENOIT, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motions for *Pro Hac Vice* Admission of
Mr. John K. Harting and Ms. Mary Pheng
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in all identified cases. 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 subsequent papers.

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Patent Owner filed motions for *pro hac vice* admission of Mr. John K. Harting and Ms. Mary Pheng. Paper 15, 17.² The motions were accompanied by declarations from Mr. Harting and Ms. Pheng in support of the motions. *Id.* at 2–3; Paper 16, 18.³ Patent Owner did not indicate whether its motions were unopposed, but Petitioner has not filed opposition within the seven-day period following the filing of the motions. 37 C.F.R. § 42.25.

Having reviewed the motions and declarations, we conclude that Mr. Harting and Ms. Pheng have sufficient qualifications to represent Patent Owner in these proceedings, and that Patent Owner has shown good cause for *pro hac vice* admission of Mr. Harting and Ms. Pheng. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (setting forth the requirements for *pro hac vice* admission) (Paper 7). Mr. Harting and Ms. Pheng will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed mandatory notices including Mr. Harting and Ms. Pheng in accordance with 37 C.F.R. § 42.8(b)(3), and a Power of Attorney including Mr. Harting and Ms. Pheng in accordance with 37 C.F.R. § 42.10(b). Paper 7, 13.

² Paper and Exhibit numbers refer to IPR2018-01472. Similar papers were filed in IPR2018-01473 and IPR2018-01475.

³ Patent Owner filed the Declarations as Papers. We deem this harmless error. However, Patent Owner is reminded that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

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ORDER

It is:

ORDERED that Patent Owner's motions for *pro hac vice* admission of Mr. John K. Harting and Ms. Mary Pheng are *granted*, and Mr. Harting and Ms. Pheng are authorized to represent Patent Owner only as back-up counsel in these proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Harting and Ms. Pheng are to comply 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; and

FURTHER ORDERED that Mr. Harting and Ms. Pheng are subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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