

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

INVT SPE LLC,
Patent Owner.

Case IPR2018-01476
Patent 7,764,711 B2

Before THU A. DANG, BARBARA A. BENOIT, and J. JOHN LEE,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

DECISION

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

Patent Owner filed motions for *pro hac vice* admission of Ms. Mary Pheng and Mr. John K. Harting. Paper 15, 16. The motions were accompanied by declarations from Ms. Pheng and Mr. Harting in support of the motions. *Id.* at 2–3; Papers 14, 17.¹ Patent Owner did not indicate whether its motions were unopposed, but Petitioners have not filed oppositions 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 Ms. Pheng and Mr. Harting have sufficient qualifications to represent Patent Owner in these proceedings, and that Patent Owner has shown good cause for *pro hac vice* admission of Ms. Pheng and Mr. Harting. *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). Ms. Pheng and Mr. Harting 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 Ms. Pheng and Mr. Harting in accordance with 37 C.F.R. § 42.8(b)(3), and a Power of Attorney including Ms. Pheng and Mr. Harting in accordance with 37 C.F.R. § 42.10(b). Paper 6, 13.

¹ 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.”).

ORDER

It is:

ORDERED that Patent Owner's motions for *pro hac vice* admission of Ms. Mary Pheng and Mr. John K. Harting are *granted*, and Ms. Pheng and Mr. Harting 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 Ms. Pheng and Mr. Harting are to comply with the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), 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 Ms. Pheng and Mr. Harting 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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